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International Court of Justice

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

5 June 1946.

COMMISSIONER:

Captain Joseph Tubridy.

POLITICAL LEADERS.

(THE COMMISSION CONVENED AT 1000 HOURS.)

DIRECT EXAMINATION RESUMED.

WILLY MEYER WENDEBORN, a witness, took the stand and testified as follows:

CAPTAIN TUBRIDY: Please remind the witness that he is still under oath.

MR. BERGES: I just want to give the PS number of the exhibit which I was unable to give yesterday. I showed the witness the Decree by a representative of the Fuehrer of the 25th of October 1934. It is an order which already has been presented by the Prosecution under the number 2474-PS. In the Trial Brief the first paragraph of this order is given but there has been some mistake in the quotation. After the first paragraph exceptions are being mentioned. Actually the first paragraph is quoted entirely and the other points are unnecessary. The mistake is due to the fact that the Orts-Gruppenleiter, Kreisleiter and Gauleiters are given as Hoheitztraegers only and the exceptions would indicate that the Blockleiters and Zellenleiters would follow in the further quotation.

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COLONEL KAREV: If I understood it correctly, the Commission was called together to hear the witnesses but not to analyse documents.

MR. BERGES: I was asked by the Prosecution yesterday whether I was quoting word by word. This is an explanation concerning that.

CAPTAIN TUBRIDY: Can this not better be presented in a brief instead of examination of the witness?

MR. BERGES: I was asked yesterday concerning whether I had quoted word by word and this is in answer today concerning that quotation yesterday.

CAPTAIN TUBRIDY: May I ask what is it you are trying to bring out from the witness now?

MR. BERGES: I want to refer to the points of the Prosecution; this was only an immediate question.

CAPTAIN TUBRIDY: What further points?

MR. BERGES: Persecution of the Jews, Treatment of Foreign Workers, and before that a conclusion to yesterday's questioning concerning the relation of the Party to the SS.

CAPTAIN TUBRIDY: All right, Mr. Berges, will you proceed along those lines?

BY MR. BERGES:

Q Witness, you described yesterday some characteristic incidents which happened between the SS and the Political Leaders. I just want to remind you concerning these cases in headline form. You spoke of the visiting permit for Political Leaders to visit the concentration camps. You spoke of the demonstration of the Esterwegen SS Guard Units. You spoke of the case of refusal to take an oath. Am I correct if I conclude that the SS did not regard itself as an organization of the Party?

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A I had the feeling that the SS did not consider itself a formation of the Party or only in a very formal way. I had the feeling that they were like a State within a State.

Q What is your answer to the Prosecution's statement that there was a mutual conspiracy?

A A mutual conspiracy would have been impossible from the beginning because they never informed us of their duties and activities.

Q I now come to another point, the point of the Persecution of the Jews. Were the political leaders of your Gau or District participating in the Persecution of the Jews in November 1938?

A In no way.

Q Would you explain that a little further?

CAPTAIN TUBRIDY: What is there to explain further than that they did not participate in any way?

Q Were were you on the 10th of November, 1938?

A I was in Clobbenburg.

Q When did you hear of it?

A Early in the morning, when the small synagogue in our town already had been burned down.

Q What did you do as Kreisleiter?

A I first went to the place, to look over the situation. It was already totally burned down. Then I called up the Gauleitung from my office, to receive some information and instructions. The Gauleiter knew just as much as I did concerning these things, that is, nothing. The Gauleiter and his representatives were still in Munich and the person in charge of the Gau prohibited any participation of the NSDAP during these demonstrations.

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Q May I ask for the name?

A If I remember correctly it was Valkenhorst.

Q What did you do thereupon?

A I received a call from the Landrat (head of administration of district) telling me that three or four old Jewish people had been delivered to him for protective custody.

Q From whom?

A The way he told me, SA men had brought in these Jews. I thereupon visited the Landrat right away and asked him to release these Jews immediately. He said that he had no instructions whatsoever which would be in opposition to that and the Jews were thereupon released immediately.

Q Did the Party or the Political Leaders in your district have any profits from these anti-Jewish demonstrations and from the Jewish boycott?

A We did not receive anything and did not profit at all. The Jews thereupon sold their goods slowly and emigrated.

Q I repeat my question concerning the valuables that belonged to the Jews. As far as you know, did any political leader obtain any Jewish land or real-estate?

A I can think of no case when a political leader received any Jewish owned property.

Q Who was in charge of the expulsion of Jews out of the area?

A The State Police Offices.

Q Did any political leaders take part in this expulsion of Jews?

A I remember two, three cases when political leaders asked me whether this or the other Jew could stay.

Q In other words, the answer to my question would actually be "No, just the opposite."

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I now go over to a further point of the Prosecution. In the Northern Germany Area, about which you can give your own opinion, were any foreign workers mistreated as far as you know?

A The treatment of foreign workers was good in my Kreis or District and in the neighboring areas.

Q Was your district an agricultural district?

A Mostly agricultural and a little bit of industry, mostly torf (peat).

Q Can you describe conditions of the foreign laborers in the agricultural ~~xxxxxx~~ districts?

A The foreign workers in our district for the most part lived in the houses of the farmers. They ate together with the farmers and the German farm ~~xxx~~ helpers and after a short time already looked excellent as far as their health was concerned.

COLONEL KAREV: I think that this witness is only qualified to answer if it is established that the Party was in charge of the foreign workers and their treatment and living conditions.

MR. BERGES: Even though the Party did not have any direct responsibility for the living conditions and accommodations of the foreign workers, any case of bad treatment or inhuman treatment would have been reported immediately to the Kreisleitung, as the local political organization. Also the Prosecution states that the Party, that is the Political Leaders, were responsible.

COLONEL KAREV: I wish the defense would refrain from asking the witness questions concerning how the foreign workers were treated in that one particular district and on the other hand ask questions concerning the treatment of foreign workers as a whole, everywhere.

MR. BERGES: I do not understand the objection. I just wanted to ask these last questions.

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CAPTAIN TUBRIDY: Mr. Berges, it is the same point that has been made several times during these proceedings and that is, what this witness testifies to with regard to a very minute section of what went on in the country, has very little probative value. We would like to have your questions directed to the actions and policies of the activity of the Organization as a whole and not as to some very minute area.

MR. BERGES: May I say that the Corps of Political Leaders with its two million members is accused? The court has said that there is quite a bit of material concerning the top available, that is the Gauleiters and Kreisleiters. Of those two million members, 93 percent belonged to the lower categories. From this 93 percent I have to take out some practical information concerning their activities and I can do that only if I can get from the witness general information. The witness, at the end of the defense questioning, can give various general statements since he was in a position to see the conditions in Northern Germany extremely well.

CAPTAIN TUBRIDY: Would you proceed with the general statements then, please?

COLONEL KAREV: I wish the defense counsel would put a question to the witness about what measures the political organization took when they learned about the ill-treatment and conditions which prevailed.

MR. BERGES: The witness up to now has answered that he knows of no case of mistreatment.

COLONEL KAREV: If we are going to take so much time in order to hear again all about the criminal activities which took place and which the Tribunal already knows about, we shall not have enough time to speak about the criminal character of the Organizations. We must be more

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distinct because we are a Commission and not a Tribunal.

MR. BERGES: Of course I intend to prove that it did not have a criminal character.

BY DR. BERGES:

Q The Prosecution asked what the Kreisleitung could have done in case they had heard of any cases of mistreatment of Eastern workers. Do you know of any such case?

A In cases where any of the farmers were responsible for minor mistreatment of workers, these workers were immediately taken away from them. I heard of one more serious case where the workmaster criminally attacked a Russian or Polish foreign worker, a girl. I immediately reported that man to the police and he received one and one-half years of hard labor from the regular courts. That was not the case just in my District but the Kreisleiters all had orders from the Gauleitung to supervise the conditions and accommodations of the foreign workers constantly.

Q A further point of the Prosecution is the so-called Lynching Justice. In your area were there a large number of landings by foreign fliers?

A We were along the main route of planes from England to Germany and we had a number of emergency landings and parachute jumpings.

CAPTAIN TUBRIDY: Where was this area?

A Clobbenburg, in the southern part of the Province of Oldenburg.

Q Was there quite a bit of activity by strafing - fighter planes?

A The strafing in the last few months of the war prevented any kind of movement on the streets during daylight.

Q What was the feeling of the population, especially as far as strafing was concerned?

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A The population had a number of casualties from these low flying strafing planes and was bitter about it.

Q Could the population have gone over by itself to certain acts of self-justice?

A I don't believe so.

Q Did the Political Leaders in that respect have another opinion or point of view?

A N o.

Q Did you know about the Bormann Decree?

A I do not remember the Bormann Decree but I do remember an article by Goebbels in "Im Reich" in which he said that the population was excited and that disturbances would not be impossible.

Q The Bormann Decree contains about the same thought. It prohibits any kind of activity against the population in cases where the population would be taking in enemy flyers. Do you know of any such decree?

A I heard of such a Decree but I personally have never seen it.

Q At that time or later?

A That was in the last, the very last time.

Q I wish the witness would explain a little further what he means by "the last time."

A During the last three or four months.

CAPTAIN TUBRIDY: Did that Decree of Bormann's come out in 1945 or 1944?

MR. BERGES: I believe it was 1944.

THE WITNESS: I can't say.

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Q Was any action taken in connection with that Bormann Decree?

A We acted to the end as we acted in the beginning; that is, we turned over any captured enemy flyer to the army and did not concern ourselves with him directly. Any of the population that had helped these flyers, that is given them shelter or food, or had kept them overnight, were in no way acted against by the Party.

Q Did you, as Kreisleiter, help any such people if they were revealed by name through some other source?

A Yes, due to a very human feeling.

Q Did you provide any articles of the Kreisleitung for these flyers that landed during emergencies?

A During the last month, that is during April, a soldier brought me nine to eleven prisoners, among which was a Canadian flyer. He could not get rid of them in any way because the offices did not function any more. I then told him to bring these prisoners to Ahlhorn, about 10 kilometers away, and I gave them food and a few cans of meat and also let them drink before they left.

Q One major question concerning this whole point of Prosecution. You come from an Internment Camp in Northern Germany, don't you?

A Yes.

Q With about how many more Political Leaders were you there, that is Political Leaders of Northern Germany?

A About a thousand to twelve hundred.

Q In that camp were you an aide or assistant to the confidence man that was working for the Nurnberg Trial?

A Yes, I was selected for that.

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Q Since about when were you active?

A November of last year.

Q I have here a number of statements by political leaders of the Camp Falibostel. Were you active in collecting these statements?

A Yes.

Q. These statements concern themselves with the points of the prosecution - concern those points which I have up to now discussed with you in this interrogation, that is, Persecution of the Church, Persecution of the Jews, Concentration Camps, Lynching Justice or Treatment of Enemy Flyers, and the Treatment of Foreign Workers.

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Q Would you say ~~xxx~~ that during your meetings with these political leaders from all northern Germany, did you find out anything that was in opposition to what you have stated here before this commission?

A No.

Q Well can you, due to your activity in the internment camp Falibostel, would you tell us whether or not the action or the activities of the political leaders in other gaus and other districts were the same as yours?

A From the sworn statements, sworn affidavits, I could charge that the treatment of the workers concerning all of the points of the ~~xxxxxxxx~~ Prosecution were the same all over Northern Germany as they were in my particular district of Clobbenburg.

Q I want you to state or to acknowledge you did not at any time turn back any sworn statements which had a particular character, or which was of another character as the statements you have made here?

A I can certify it.

DR. BERGER: Thank you. I have no further statements.

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q Was it the duty of the leadership corps to carry out instructions issued by the Nazi Party?

A Yes.

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Q Was it true that the leadership corps of the ~~XXXXXXXXXX~~ Nazi Party organized the State, the country?

A When we came the state already was organized. We made a number of changes.

Q And the local administration of the Nazi Party was run, was it not, by the leadership ~~XX~~ corps?

A The business of the state administration was not lead by the political party but by the State.

Q Was the Gauleiter not in authority over the administration within his gau?

A The Gauleiter was also Reichstadthalter. It was his duty to keep liaison between the party and state. The first ~~XX~~ Gauleiter Roever who died in 1942 was not active in that. The next succeeding Gauleiter, Wegener, was more active in that field and brought about a number of changes.

Q I don't want to go into a long story as to how the political leaders were appointed, but may I take it that they were all voluntarily occupying their offices?

A Yes

Q And that also applies, does it not, ~~to~~ the zellenleiter and the blockleiter?

A The blockleiter and zellenleiters were appointed through the Ortsgruppenleiters, after he had a discussion

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with the staff. However, if a person considered himself not up to par or that he was unable to do a job, or that he did not have the time, we looked for another one.

Q And it was decidedly voluntary on the part of the zellenleiters or blockleiters whether or not they accepted the position?

A Yes

Q And I want to ask you a word about the ~~xxxxxxx~~ meetings of the political leaders. You told us yesterday that the Gauleiters were meeting, I think, every six weeks or so.

A About every six to eight weeks these Kreisleiters and Gauleiters met together.

Q I just wanted to clear it up, in your testimony yesterday, you stated that the Kreisleiters attended meetings in addition to the Gauleiter staff?

A Also representatives of the government were invited.

Q At the meeting of the Kreisleiters did the Ortsgruppenleiters attend?

A Yes, and every week in the Kreisleiters was a xxxxxx meeting for those who wanted to attend, but every four or five weeks, all of the ortsgruppenleiters, together with the nearest af the Kreisleiters staff were called together for the meeting.

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Q Did the zellenleiters and the Blockleiters attent those meetings?

A No

Q Did the Ortsgruppenleiters hold meetings of the Zellenleiters and Blockleiters?

A It was the duty of the Ortsgruppenleiters to call together every political leader at least once a month.

Q Do you include in those political leaders of the Ortsgruppenleiters, did you include the Blockleiters?

A Yes,

Q Did the Zellenleiters hold independent meetings of their own which the Blockleiters attended?

A No, that hardly happened, but they did at times come together to straighten out their financial affairs since they had to collect the money and check the membership list and so on.

Q Am I right in assuming that at all of those meetings of the political leaders general business was done and any orders that had to be issued were passed on, of all grades?

A During these larger meetings all important business was passed on. However, any new orders usually were sent to us through messages.

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Q If there were orders which had to be passed on to the blockleiters, were they sent by message to the blockleiters or were they generally passed on verbally at the monthly meetings?

A There between the blockleiters and zellenleiters on one side and the ortsgruppenleiters and the staff on the other side, there was supposed to be no written instructions in order not to make these people of any lower rank or lower positions, not to make them too much work.

Q So that there were as a general rule no written instructions passed below the ortsgruppenleiter, is that correct?

A No, not as a rule.

Q I want to ask one rather general question, taking their duties as a whole, would it have been possible for the ortsgruppenleiters to carry them out, had they not had at their disposal the services of the zellenleiters and the blockleiters?

A That is all they could have done on the whole, since during these monthly conferences of the party members, the orders or any such messages could have been passed on.

Q In such cases then it would not have been possible, and the services of the zellenleiters and the blockleiters were essential?

A As far as publication or making public such orders or decrees was concerned, the ortsgruppenleiters

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could have that done through a speaker at the monthly conferences. The administration matters on the other hand, that is, the collection of the money, the preparation and collection of various items, that we had to prepare in the blockleiters and the zellenleiters.

Q Now I want to ask you about the tasks of those blockleiters and zellenleiters in a little more detail. In dealing with that matter yesterday you told us that block and zellen leiters had no authority to carry out arrests?

A Yes.

Q Tell me, did higher grades of the political leaders have the right to arrest persons?

A No political leader whatsoever had the right to arrest people or had any executive powers.

Q I only asked you that because I wonder what the significance of your answer was, if any. You told us also that they did not have the power to confiscate property?

A Yes.

Q Do you mean by that that some of the other political leaders did have the power to confiscate property?

A Political leaders or men of the party did not have any right to confiscate anything.

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Q You told us yesterday that when a party member was slandered by anybody he went and told the blockleiter about it?

A Yes.

Q And what did the blockleiter do about it?

A The blockleiter then gave him advice what he should do.

Q And what sort of advice did the blockleiter give him?

A Only the simplest advice. If it was a more difficult case he went to the ortsgruppenleiter with that thing.

Q And what action did the ortsgruppenleiter take?

A Well, it was possible for the ortsgruppenleiter to give a little more concrete information, either say, go to the district administration and complain there or make up with the person and I will help you in it.

Q The party member did not go to the blockleiter, did he, to tell the blockleiter about it in order that the party should get busy with the man who had slandered him?

A No, he could not do that. He knew that the party could not do that. It was the duty of the gx regular courts or state offices.

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Q Then, if that was so, why was it necessary for the party member who was slandered to go to the blockleiter and not go to the normal administrative office or judicial offices where anybody else could go?

A First of all the route to the blockleiter was the shortest, and, secondly, he could talk to the blockleiter man to man, and he did not have the embarrassment that he would have had in speaking to the judicial officers, and, thirdly, we told the people to come to us if they had any difficulty where we could help them.

Q Very well. I am going to leave that.

Now, I want to ask you about another task of the blockleiter and zellenleiter, and I refer to Document PS-062, USA 696. Do you remember an order issued by the Deputy of the Fuehrer on the 13th of March, 1940, containing instructions that enemy parachutists were to be immediately arrested or liquidated?

A No.

Q Did you never get that order in the gaus in which you were working?

A I do not know that order.

Q You were a Gauleiter in March, 1940, were you not?

A I was a Kreisleiter in 1940.

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Q You were a Kreisleiter and your Gauleiter never passed that on in your monthly conferences with him?

A No, I did not receive any such orders either in 1940 or later.

Q Well, I want to ask you about it generally, because I am not really interested in yourx personally and all you did in your own particular gaus, but I am interested in the leadership corps generally, and the instructions to the gauleiters read as follows:

"The attached directions as to parachutists are to be disseminated only orally by a Kreisleiter, ortsgruppenleiter, zellenleiter and blockleiter." Nx

Now, let me ask you first of all your own views about that order. Do you think it is proper to issue an order to liquidate enemy parachutists?

A That not only would have been unlawful but it also would have been a very vulgar order. We, ourselves, had fliers in England.

Q It was not only a vulgar order, but, in fact, it is an order to commit murder, isn't it?

A I did not receive such an order.

Q I am just asking you your views on it.

A Yes, that would be murder.

Q Well now, can you tell me this: If the corps of political leaders is an organization which

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is only used for proper and lawful purposes, why is it an order such as that has been issued to them?

A I did not receive that order and also did not ~~xxxxxxxxxxxx~~ pass it on.

Q I am not asking you what you did, but you have been telling us that the leadership corps was an organization which did not take part in criminal activity. I am asking you if that is so, why is it this order has been issued to members of the leadership corps, to all members of the leadership corps to be carried out by them?

A I do not know this order. I did not see it and I would not have carried it out.

Q Then, I take it you have no explanation and no answer to my question.

A I believe that I answered all of your questions. I said I considered such an order to be very low, and that I would not have carried out or passed on such an order.

Q Very well. Now I want to pass to something else.

(A recess was taken)

BY COLONEL GRIFFITH JONES:

Q Now I want to turn to another task of the political leaders. Did you say yesterday that spying on their neighbors was not one of the tasks of the political leaders?

A Yes, I said that.

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Q If the political leaders had been instructed to discover and report upon people who had not voted during one of the Reichstag elections, would you consider that spying?

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A Yes, that would be a spy.

Q They were in fact instructed to do that, were they not?

A I did not receive any such order for spying or swindling?

Q Do you know that such orders were issued in some Gaus anywhere?

A I do not know of that.

Q Let me ask you for your explanation of this letter. I refer to D-43, which is a new Document. It is contained in the Prosecution Document on Frick and will be now numbered as Prosecution Document - Political Leadership Corps No. 1.

(THE WITNESS IS HANDED THE DOCUMENT)

You can see the letter is dated May 26, 1935?

A Yes.

Q It is addressed to all Ortsgruppen and Stutzpunktleiters. Tell me briefly what is a Stutzpunktleiter?

A Stuntzpunktleiters formerly were a small unit under the Ortsgruppen, later all Stutzpunktleiters were elevated.

Q In May, 1936 the stutzpunktleiters were apparently still a subordinate leader group?

A The Stutzpunktleiters were in the middle between the Kreisleiters and the Ortsgruppen.

Q I will read that letter to you and perhaps you can follow me with the interpretor: "In view of a demand by the Reichs Minister of the Interior, Dr. Frick, a report has to be made wherever officials did not comply with their duty of voting on the 29th of March of this year." The letter is regarding the Reichstag election of 29 March, 1936.

Does that not indicate that Dr. Frick had sent instructions to all Gaus? It looks like it does, does it not?

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A We did not receive any orders from any State departments or offices and we were not subject to such orders.

Q It looks from the first paragraph that those orders had been issued to all Gaus.

A Yes, one could suppose that.

Q Then, we will read on.

A It also looks possible that he had to send the order from the Government offices in Bremen and that it went by way of mouth to the party.

Q It may have gone by way of mouth to all members of the party, but the letter shows it was written and addressed to all Ortsgruppen and Stutzpunktleiters. Do you realize that?

A Yes.

Q I will read on: "So far as such cases are known in your Ortsgruppe or your Stutzpunkt, you will report them to me not later than May 3rd."

Will you agree with me that the Nazi party gave word to the world that the Reichtag~~s~~ elections in 1936 were free elections?

A Yes.

Q What do you suppose was the purpose of finding out now the names of the civil servants who did not vote for the Nazi party?

A I don't know the reason for that. It also states as far as these cases were known - as far as they were known to the public.

Q You don't generally know who has not voted unless you make inquiries, do you?

A Well, there were people who were proud and let ~~known~~ be known the fact that they did not take part in the election?

Q Let me ask you again. If the elections were free elections, what

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purpose was there in having the names of those who did not vote reported to Dr. Frick, the Minister of the Interior? What was the purpose of demanding these reports?

A I cannot tell you that for sure.

Q It does not sound very credible or very legal does it?

A One does not know what reasons he had for this letter. There were a number of party members, who were always publicly very active for the party. They were always present in every meeting and it possibly would have been very interesting to find out what their real activities and opinions were.

Q Will you look at the last sentence? I quote: "This circular has to be destroyed immediately after this matter is settled." If there was nothing to be ashamed of, what could be the possible reason for having to destroy this circular immediately?

Q In this case, I would not have asked that this circular be destroyed. It says here that the reports had to be correct, that they had to be treated very carefully, so that no wrong would happen to an innocent man.

Q I am not asking you what you would have said to that circular, or if you would have said that it should be destroyed, I am asking you still if you can, as a Gauleiter, offer any explanation as to why Dr. Frick and the Kreis in Bremen gave instructions that the circular should be destroyed immediately?

A I did not know of the existance of this letter and I do not know Dr. Frick's reasons for sending it out.

DR. BERGES: The witness claims that this was a wrong translation he did not say he did not know of the existance of this letter, he said he did not know it came from Dr. Frick.

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THE WITNESS: I do not know anything concerning this request of Dr. Frick:

BY COLONEL JONES:

Q Can you give me an average figure of the number of people whom the Ortsgruppenleiter would have under him?

A Ortsgruppenleiters in some areas had under them up to 4,000 or 5,000 party members and people.

Q If he had to find out the civil servants that had not voted, it would be quite impossible to do it by himself would it not?

A No, he could not have done it.

Q Then the people he would have asked to help him would be the Blockleiters and the Zellenleiters. Would he not?

A They could do it even less, as they did not see the voting lists.

Q They might have known even less, but if inquiries had to be made, which were strictly secret, they are the people that the Ortsgruppenleieters would have ordered to make the inquiries?

A He could not have used the Blockleieters and the Zellenleiters for this inquiry, due to the fact that they had no information whatsoever, as the election qualifications were all state qualifications and state troops.

Q You have told us once that they were the type of people he would use and now when you realize the significance of answering, you are going back on it. If the Ortsgruppenleieter could not do it by himself, who would have helped him if it was not the Blockleieters and the Zellenleiters?

A I cannot tell you because inquiries of that kind were not his duty.

Q Not whose duty?

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A The duty of the Ortsgruppenleiter.

Q It is his duty to make those inquiries when he was instructed to do so?

A This is a very special case, which cannot be considered as a rule.

Q I will ask you once more in this very special case if it was ~~the~~ not the Zellenleiters and the bleckleieters that he got to make inquiries for him, who was it?

A I cannot tell you anything concerning this. I did not do anything like that and have no explanation.

Q We will pass on to something else. Please return the Document to me.

(THE WITNESS RETURNS THE DOCUMENT.)

Do you know that in about the year 1937 a decree was made under which persons with hereditary disease were to be compulsory sterilized?

A I do not know of such a law.

Q I am going to refer you to a Document D-181, which is a new Document and will become Prosecution Document - Political Leadership Corps No. 2 and can be found in the Frick Document book. You can see that this is a letter, dated 21 January, 1937 from the Gauleiter's Office at Westfalen-Sud. If you will look at the end of it, you will see that it is distributed to Gauamtsleiters, Gauinspekteure and Kreisleiters and on the top of it you will see the rubber stamp of the KreisleieterZiegerland

DR. BERGES: I understand that the witness is being asked whether he was aware of a decree concerning the sterilization of venereal disease cases. Was that a mistranslation?

CAPTAIN TUBRIDY: It was hereditary disease?

DR. BERGES: The witness was asked regarding venereal disease.

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BY COLONEL JONES:

Q I said hereditary disease. Do you know of this decree?

A I do not know.

Q I want you to follow the third paragraph. "The question where a person is an imbecile cannot be solely judged by carrying on an intelligence test, but requires a complete evaluation of the entire human personality. This evaluation should take into consideration, not only the knowledge and the intellectual capabilities, but also his ethical, moral and political attitude. A number of Civil Servant doctors have attached little importance to the reviewing of personalities as a whole. They have, up to now, hardly ever judged the political conduct of the so-called person with hereditary disease. Therefore, by virtue of the party, the Reich Minister of the Interior is referring matters of hereditary disease to the desk of all Gauleiters that the law regarding heredity ailments will be used in the sense in which it is desired."

In your Gau, or in your Kreist, did you never has the task of assisting in examining the political attitude of people, in order to ascertain whether or not they were insane?

A I took part in this at one time when a nature healer and a drunkard was supposed to be sterilized. It was during the war and I questioned it and asked that this sort of operation should at least wait until the end of the war.

Q May I then take it that a nature healer and a drunkard is to be counted insane and is to be sterilized if he does not follow the Nazi party, but, if he is a strict follower of the Nazi party, then the fact that he is a nature healer and a drunkard makes no difference at all?

A No.

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Q Why was it necessary for you to examine the political views of the nature healer and the drunkard in connection with the action that was to be taken under this law?

A The case which was known to me and also known to the entire population of the Kreis, the person had asked especially that the Kreisleiter be asked concerning his actions and concerning his activities and whether such an action had to be taken against him a family man at this time.

Q Well, it comes to this then does it not, that if he was a good party member that action was not taken against him, if he was not a good party member, he was sterilized.

A He was not a party member. That did not make any difference to me. He was later used as a Chief of a Medical Detachment and was a very good soldier.

Q We will not consider that particular case any further. Can you tell me how many people the Kreislieter had in his Kreis?

A My Kreis contained about 6,800 people

Q You, then, in your Kreis could not possibly have been able to make inquiries into the political attitude of all of the imbeciles and people with a hereditary disease.

A No.

Q Then, the persons you got to help you in your Kreis were the Blockleiters the Zellenleiters and the Ortsgruppenleieters?

A No, concerning inquiries like this I would have named my own persons. It would have been a too difficult job for a Blockleieter, ar a Zellenleiter to carry this out.

Q So you would have done it yourself, would you?

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A If I would have received such an order, I would have seen to it that the case was cleared up personally.

Q Would you have had the time to carry on your other duties as Kreisleiter if you had to go out and make inquiries about all the people who might have hereditary disease or might be imbeciles among six or seven thousand persons.

A The number of imbeciles and people with hereditary disease was so small in an agricultural community as ours it would only have been a very small task.

Q We will leave that matter. Do you know that in the years 1939 and 1940 under Nazi Government in Germany nursery homes were set up where persons suffering from incurable diseases were murdered?

A I heard rumors at times that somewhere in Germany people with incurrable diseases, after careful study, were to be liquidated or removed.

Q That is murder, is it not, according to the ethics of practically every nation in the world?

A Yes, that would be murder. When I heard this rumor, I inquired of the Gauleiter if there were such things and why we were not so informed, as the people first came to us inquiring about these things. The Gauleiter therefore asked me why I came with such fables as this subject to an official for inquiry.

Q If the corps of political leaders took any part, however, insignificant, in the business of those institutions it would be discreditable and illegal, would it not?

H0934-0031

A Yes, without a doubt.

Q Will you look at this Document? I regret that I have no separate copy for Mr. Berges. It is Document PS 1969 and will be known as Prosecution Document - Political Leadership Corps No. 3. It is also included in the Prosecution's Document on Frick. I will have copies for Mr. Berges tomorrow.

(WITNESS IS HANDED COPY OF THE DOCUMENT.)

Would you say that this is a letter from the Reichministry of the Interior to the Gaustabsamtsleiter Sellmer in Nurnberg, dated Berlin, 31 December, 1940?

A Yes.

Q Can you see the rubber stamp of the Kreisleiter on it?

A Yes.

Q The letter reads:

"My dear party member Sellmer! I forward in the enclosure an incident, which deals with the affair, about which you have been informed by party member Blanicenburg from the Fuhrer's chancellery. As you can see in the application of Mrs. Marie Kehr, the latter would like to have information, whether it is possible by a law of the Reich, to relieve popple from their incurable sufferings. I request that you investigate, whether Kehr is politically reliable, especially whether she does not have church connections. In case this should not be so, from my side, there are no misgivings, if you give Kehr the desired information orally."

The footnote reads: "Ortsgruppenleiter Party member Popp is of the opinion, that one can inform Mrs. Kehr. She is calm and circumspect."

As a member of the Nazi party, why the fact that her having church connections would make any difference as to whether she is told if people can be relieved of their incurrable sufferings?

H0934 -0032

A Maybe one thought that necessary, Marie Kehr may have been sent by the church to make such an inquiry so that later on it could be used against the party.

Q What could be wrong, if it is perfectly alright, with telling the church that the party had passed that law?

A They could have asked that question directly to the party or to the office of the party.

Q Tell me who would the Kreisleiter have made inquiries about that letter? The Gauleiter sent it to the Kreisleiter and how would the Kreisleiter have made inquiries about that?

A The Kreisleiter would have passed this inquiry on to the Ortsgruppenleiter, who in this case would have concerned himself personally with this inquiry. See, it is written on the bottom in ink that the Ortsgruppenleiter can inform Mrs. Kirk of the circumstances.

Q May we take it in view of that Document and the one presented before that it was a part of the duties of the political leaders to make inquiries as to the political attitude of persons generally?

A If there were cases like that when a person's name was submitted, I don't see why they should not have been answered.

Q Was it the duty of the political leaders to make inquiries as to the political attitude of people in connection with such laws as they were passed by the Nazi Government?

A It was not their duty normally.

Mr. Berges: I want to object against this last question. I object for the reason that the witness said he had no information and did not know

H0934-0033

of any orders concerning hereditary illness or the previous letter concerning sterilization and that such things were not carried on in his area. Therefore, if the witness is asked questions about these matters, he can not give direct answers, but only give his opinion.

COLONEL JONES: I want to turn to the question of foreign workers.

BY COLONEL JONES:

Q Would you consider it good, kind, humane treatment if foreign women who had been forced to work in Germany for the Germans were compelled to have abortions if they became pregnant?

A I would consider it as being against moral laws.

Q Would it be against all the rules of humanity if when a woman had a child it was seized away from her and brought up elsewhere?

A I would not have permitted that.

Q If the corps of Political Leaders were taking part in activities of that kind, would you still say that they were not a criminal organization?

MR. BERGES: I have to object to that question, as it is a purely judicial question concerning which the corps has to decide.

COLONEL JONES: I agree and apologize.

BY COLONEL JONES: Q /Would you say that the corps never took part in criminal activities:

A That was never part of our duty. I was never concerned with that act.

Q I am not asking you what you are concerning with personally. I will ask you my question again. If the Political Leadership corps were in fact taking part in activities of the kind that I have described to you, would you say that they were not taking part in criminal activities?

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Mr. Berges: I object to this question for the same reason that I objected to the last question.

CAPTAIN TUBRIDY: Mr. Berges, is it your position that this man cannot tell a criminal act?

MR. BERGES: Concerning the ~~Kiel~~ organization, he can only give his opinion.

(RECESS AT 1300 HOURS.)

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AFTERNOON SESSION

(The hearing reconvened at 1400hours, 5 June 1946)

EDWARD WILLY MEYER-WENDEBORN - Resumed.
CROSS EXAMINATION - continued.

COLONEL GRIFFITH-JONES: Before we adjourned I was asking some questions about the treatment of foreign women workers who had become pregnant.

BY COLONEL GRIFFITH-JONES:

Q Will you take this file,that I can say at this time is being photostated, at which time I shall like Dr Berges to have a photostatic copy, probably tomorrow, or as soon as I get it. In the meantime let Dr.Berges look at it.

DR. BERGES: All right. May I look at it first?

COLONEL GRIFFITH JONES: Yes.

BY COLONEL GRIFFITH JONES:

Q This document will be D884, prosecution, document of Leadership Corps No. 4. I want you to look at the first document in the captured file,and you will see that it is a document signed by somebody who holds himself out as the Hauptbererchsleiter, or Gauleitung of Baden Alsace, dated 28 March 1944, and marked "secret." Would you look at the end of the document to see to whom it is distributed. It ends, "Gauobmann of the German Labor Front, Gau Propaganda Chief, Gau Press Office Chief, Gauamtsleiter of the bureau for racial policy, national health, the peasantry, national welfare, questions of race, Gau Women's Leadership, Gau Labor Office,Baden Alsace, Kreisleiters, Kreisobmanner of the German Labor Front, Kreis Peasant Leaders, Commander of the Security

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Police and SD, Strassbourg, Head of the Office of the Commissioner of the Reich Commissar for the Consolidation of German Race, Strassbourg.

Now I want you to look at part II of the letter. It is headed "Regarding the treatment of pregnant foreign workers and children given birth to by the same in the Reich," and particular attention is drawn to the directive for the treatment of such children in the circular of the NSDAP, headed "Welfare Officer." That encloses extract from the decree of the Reichsfuehrer SS on 27 July 1943. Will you read that part? Then it shows the procedure for the application for abortion, which is once more explained below. 1. The factories report all cases of pregnancy to the competent Labor Office.

That, presumably, is the labor office of the Gauleiter, is it?

A No, that is the State Employment Office.

Q Why should it be addressed as "Gau Labor Office? If you will look at the end you will find that the letter is addressed to "Gau Labor Office."

A That was the name Gauarbeitsamt, or the words, "State Employment Office" within the Gau.

Q And they came under the authority of Gauleiter, did they not?

A No, the Gauleiter could not give them any orders.

Q Are you telling the Commission that the office which is described as the "Gau Labor Office" was completely independent and received no instructions from the Gauleiter?

A Yes.

Q Very well. Let's go into the next paragraph, "The Labor Office reports the case to the Youth Office in order to establish paternity. Is that

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the Youth Office in the Gauleiter?

A The Youth Office is every time with the District Administration of Landrat.

Q You are telling us that the Youth Office is quite independent of the Gauleiter, or that the Youth Office is under the Landrat of the District, and the administration and the Gauleiter had no authority concerning it?

A (No answer)

Q Very well. Look at the next paragraph: "The Health Office carries out an examination to determine health and hereditary health and submits a report." Is that the health office referred to in the distribution?

A It is the health office of the District, that is, not the political district but the State District.

Q SO there was really no object in sending this letter to the "Gauleiter of Amt IV National Health."?

A He only received it for information.

Q Will you look at paragraph 5."If the investigations show that the progency will be racially satisfactory and hereditarily healthy, they will, after birth, go to homes for foreign children, to be looked after by the National Socialist Welfare Organization (NSV)." The NSV is part of the Gauleiter, isn't it?

A Yes.

Q So that the NSV in the Gauleiter are responsible for taking the babies away from their mothers ?

A No, the responsible office is the State Office that turned them over to them.

Q It was going to be managed by the Gau, is it not?

H0934-0038

A I have not read that letter and I can not say what is in the first pages of the letter,but from what conclusion I did see is that it was merely information for those organizations to take over these children in case there are directives to them by the State Office.

Q Let's go into the last paragraph: "I request the Kreisleiters to record immediately through the usual channels, in conjunction with the Kreisobmann of the German Labor Front, and the Kreis peasant leader, all cases of pregnancy which have already occurred and all children already born. An examination - in accordance with the new directives - of all children of foreign female workers who were taken under the care of the NSV before the issue of the new instructions, is also necessary." It is quite clear, is it not, that the Gauleiters and the Kreisleiters are taking a part in the carrying out of these instructions with regard to pregnant women?

A It shows here that it is to be done in the already named way, the already named channels. Can you tell me what the way is that is referred to in this case?

Q No. I am asking you to answer my questions. Is it quite clear from that that the Gauleiter and the Kreisleiter are taking part in the carrying out of this order. If you have any doubt, look again where it states: "I request the Kreisleiters to record." That is to say they are taking part in carrying out this order?

A Yes. Here is named the way, or the manner or way in which they are supposed to report, or do that. I would like to know before I answer as to what that way is.

Q We will come tothat. I shall show you in one moment.

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DR BERGES: The witness says that he did not know or does not know the contents of the letter, and the measures taken. These are matters that happened in the Gau at Strassbourg. In other words, the witness can give his opinion of what he knows about it, but he can not give any witness testimony.

COLONEL GRIFFITH JONES: I am sure that Dr. Berges is not going to interrupt me any more then is necessary, and I am here quite fair. I am trying to ask the witness questions and get his evidence without any possible interrutpion. Tell me this, it would be quite impossible for the Kreisleiter without assistance to discover the cases of every pregnancy of foreign women within his Kreis, would it not?

A That is possible.

Q Well, it is certain, isn't it? Tell him no need to go on like that.

A Yes, I could find out about the number of pregnant women, but I would have to go to the District administration, or to the Mayor, and ask him whether he knows of any such cases, and there were cases in my area where foreign workers had children, and these children grew up on these farms.

Q I know that you will be reasonable. Now in practice the Kreisleiter would never have time to go around every day, or every week asking and finding out for himself which particular women, if any, were pregnant?

A I was never asked that.

Q I am asking you, the Kreisleiter would be unable to carry out this order of reporting unless he obtained assistance from somebody else?

A Yes, certainly.

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Q Would the persons he was going to get assistance from be his own Ortsgruppenleiters?

A In this case I would have to ask the Peasant Leaders who would know that better.

Q Would this matter not have been discussed at the Kreisleiters' meeting with his own Ortsgruppenleiters?

A No, the Ortsgruppenleiters came to me and wanted to know, for instance, what can be done about these children that were growing up on these German farms. There were cases where the German children spoke better Polish than they spoke German, since they all played together, and they did not like that.

Q Now stick to the point. I am asking you how the Kreisleiters are going to find out what women workers are pregnant, and when they became pregnant, and I said to you, "That the way in which they would do it would be through or with their Ortsgruppenleiters."

A If I would have been required to find out such a thing, I would have discussed this matter at the next meeting of the Ortsgruppenleiters, the Peasant Leaders, and the Labor Front Leaders, and would have asked for their suggestions.

Q And the Ortsgruppenleiters would have had to see their Zellenleiters and Blockleiters, and would have asked them for their suggestion, or if too late, they would know of any cases in which it would have occurred, would they not?

A They could have done it, yes, and I believe they would have asked the Peasant Leaders. Whenever a mother went through pregnancy she had to be dropped as a working person, and the Peasant Leader had to provide a new person for that particular place, and, therefore, it would have been

H0934-0041

the Peasant Leader that would have known concerning these cases better than the Zellenleiters and the Blockleiters.

Q Just look at the next document. You see there a list or scale showing the Births, Abortions, Pregnancies that had occurred in each Gau?

A Yes.

Q You follow me when I show the number of abortions which totalled 42?

A Yes, I figured that also.

Q Will you look further on, and you will see samples of the Kreisleiter's reports in this matter as required in the first letter. Citing the letter dated 21 May 1944, from Kreis Leadership Villingen, I quote : "As far as I could find out up to now, there have been about 21 pregnancies, of these 4 abortions are said to have been carried out, during which 2 of the women died. Of the remaining 17 births, 5 were stillborn. Welfare by the NSV has not taken place anywhere." Is that typical of the kind of treatment which the corps of Leadership Leaders watched being carried out towards the foreignors who were forced to work for them?

A It states here there were supposed to have been four abortions, of which two of the women died.

Q Does that make it any better. Does that make the treatment of foreign women workers any more human?

A Do you want to say that otherwise, not lying, during abortions women and children died?

Q I shall ask younot to ask me questions but to try to answer mine.

A I have again to say that is not stated definitely that there were four abortions but that the Kreisleiter says,"There was supposed to have been."

H0934-0042

Q There was nothing to stop the Gauleiter, or the Ortsgruppenleiter, or any ofthe corps of leaderships from resigning from their position, was there?

A If a man could state that due to his office he was unable to take charge or proper care of his business,or his family, then you could request to be released from your duties,and he usually was.

Q If a Gauleiter or Kreisleiter disproved of the way in which the State was being run by the Party, there was nothing in the world that could have prevented him resigning, was there?

A If he did have no sense of responsibility then he failed,but if he had any kind of sense of responsibility then he would stay in order to prevent such occurrences the next time.

Q And by staying he would be carrying out,or assisting, or participating in the execution of such orders as this,and orders to murder enemy parachutists?

A He did not give any orders for murder of Allied flyers.

Q Very well,we will go on. I am sure there may be no objection to that question. I was particularly gracious not to interrupt Mr. Berges throughout the considerable length of time he was examining the witness in chief. Now I want to go on and ask you about the Jewish question. As I understand your evidence,it was that the leadership corps had nothing to do with the organization of the demonstrations in the winter of 1938?

A As far as I could say, that is, in our particular Gau. I don't know of any case where any Kreisleiter, or any official of the corps of Political Leaders received any orders for participation in or planning of demonstrations of the Reich.

H0934 - 0043

Q You did not, in fact, organize the demonstrations for your government in 1938?

A Upon requesting that information from the Gauleiters, I was told that these demonstrations had come spontaneous from various groups within the population.

Q You must have seen when you went down and looked at the burning synagogue, you must have seen those elements of the population who were taking the most active part, were you not?

A When I arrived there I just saw a few persons who were interested bystanders, who were watching the still burning fire, and through them I could not find out anything as to whom had started the fire.

Q Very well. Let me refer you to paragraph in exhibit PS 3051, USA 240. It is the Heydrich teletype report of 10 November 1938. Listen to what Heydrich is writing to all headquarters and stations of the Gestapo, and all districts or subdistricts of the SD. He says this: "The Chief of the State Police. All their deputies must get into telephonic contact with the political leaders. Gauleiters or Kreisleiters who have jurisdiction over their districts have to arrange for a joint meeting with the appropriate inspector, or commander of the Ordnungspolizei in order to discusss the organization of the demonstrations." Will you agree with me that that order to the police indicates that similar orders had been issued by some one to the Gauleiters and Kreisleiters?

A I do not know of this high order, or anyother order to me which was published for me to arrange a plan to carry out any demonstrations or burnings.

Q I am asking you again just this. The police order which I do not suggest is directed to you. Does this police order indicate that some one

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had issued the Gauleiters and Kreisletiers with orders to organize the demonstration?

A I do not believe that this order of Heydrich went to the Gauleiters, because Heydrich could not order of the Gauleiters to do anything.

Q I am sure that the interpreter is not going wrong in the interpretation, but you must realize it is either the interpretation of my question and your answer that is going wrong, or it is just a blank refusal on your part to answer my questions. Perhaps the interpreter will repeat my question again. (Whereupon the interpreter repeats the previous question).

A No.

Q If the Gauleiter and the Kreisleiter were not intended to project into the organization any of those demonstrations, can you offer any explanation for Heydrich having written that order to the police?

A No.

Q Very well. Now I pass from that to deal with only one further document. In fact, it could have been quite a natural thing for the Leadership Corps to have held meetings to organize demonstrations against the Jews?

A Then they would have had to receive some kind of previous order to plan, and it would have to plan it, but the fact is that there were standing objections to that pledged fact.

Q But the Political Leaders for years had been organizing demonstrations, boycotts, and other forms of Jew baiting, had they not?

A We thought that the Jewish question would be solved in this way. That their influence upon Germany would be reduced to such an extent, or percentage as their number in percentage would be to the population.

H0934-0045

not

Q I am/asking you what you thought of the solution of this Jewish problem. I am asking you whether the corps of Political Leaders for years had been engaged in organizing various forms of Jew baiting?

A I could not observe that in my district, or any of the neighboring districts.

Q I shall have to read this letter to you. This document PS 5374, US 729. I think you became Kreisleiter in 1934, did you not?

A 1934.

Q Before that were you a member of the Political Leadership at all?

A I was Ortsgruppenleiter in Essen in Oldenberg.

Q In what Gau is that?

A Weser-Ems.

Q Listen to this letter. It is dated 7 June 1933, from the Propaganda Department of the Gau Coblenz. It is addressed to the "Kreis directors" and the subject is "Jew Baiting." No. 2 -- presumably there had been a previous letter about Jew baiting. I shall read back extracts from this document. "The District Directorate ," which I assume to be the Kreis,"will set up a committee which has the task of directing and supervising the commandos in the whole district." This comes immediately under the heading, "Jew baiting." They go on and say:"The Gau Propaganda Directorate will then state this to any coordination that this goes through --" That is to say, through the Kreisleiter. Then it goes on to say,"That the Committee will form in all local groups,that is, Ortsgruppen, and sub localities such committees,whose names shall be known only to the district." I'll read it again."The Kreis Committee will form in all local groups, and support the localities,such committees, the names of whom shall be known only to the district committee." Now when the Ortsgruppenleiter forms his committee in his Ortsgroup, to organize Jew baiting, who is

H0934-0046

he going to get on that committee?

A I could not tell you that. I was never practically employed or worked on such a case,and what happened in Coblenz I do not know.

Q Only speaking with your experience as Gauleiter and Kreisleiter, is not that just that sort of occasion when the Ortsgruppenleiter is to get the Zellenleiter and the Blockleiter to help?

A In this case I would not have called any one in this case at all.

Q But youwould have had called in someone to put in your Jew baiting?

A I can not tell you that. I never had occasion to think about such a case.

Q Put yourself in the position of an Ortsgruppenleiter, who is the first person you are going to have or think of to go on your local committees.

A If I do that, orwould have occasion to do that, I believe I would take the organization leader, or the propaganda leader of the Ortsgruppen, and a few old time Party members,and a few experienced men.

Q Are not your Zellenleiters and the Blockleiters just the old time experienced men who would be most useful to you?

A No.

Q Are not they the people most likely to "Jew bait" effectively?

A No, no, no.

COLONEL GRIFFITH JONES: Very well,that is all.

BY M. MONNERAY:

Q Witness, you have been Ortsgruppenleiter for a certain time, haven't you?

A Yes.

H0934 – 0047

Q You told us yesterday that the Political Leaders had nothing to do with the propaganda?

A Yes. They did have something to do, they had the Ortsgruppen Propaganda Leaders.

Q These Ortsgruppen Propaganda Leaders were under the authority of the Ortsgruppenleiter?

A Yes.

Q And what sort of Propaganda did they make?

A They had to prepare the meetings, and conventions. They had to start collections. They had to ask for welfare organization members.

Q Had they anything to do with the Political training of the Ortsgruppenleiter?

A No. The political education was in charge of the education chief.

Q And under whom was this Schulungsleiter?

A The Schulungsleiter actually was in his duty under a Gau organizationsbuck, and was supervised by the Ortsgruppenleiter.

Q What do you mean by supervising?

A There were special Hoheitstraeger, or education chiefs with added influence who were to train and pick the Ortsgruppenleiter, who found that out, and put a stop to it.

Q Suppose a report that you considered showed of the propaganda that your Schulungsleiter was not agreeing to the general rules and general line of your policy?

A As Ortsgruppenleiter I reported it to the Kreisleiter.

Q Did you consider "Mein Kampf" as the basic material for political training?

H0934-0048

A That was ordered from the top usually,but I am sorry to say that all the way up to the top, not everybody,and not every leader, or every official knew that book.

Q Do you recognize that in principle the "Mein Kampf" constituted the Reich propaganda political training material?

A It was not used very often,but only some of the quotations.

Q I did not ask whether it had been used, or not, or to what extend, but whether in principle this book was considered as the Reich basic political training material?

A Not always but quite often.

Q So you agree with this excerpt of the Ortsgruppen,the group of the NSDAP of 1943,which is USA Exhibit 323 and PS 1893; it shows on page 112 under "Task and Means of the Zellenleiter, with the agreement of the Ortsgruppenleiter the Zellenleiter may hold meetings, and in those meetings it is advisable not to give any big lectures,but for instance, to read a chapter out of "Mein Kampf" by Adolf Hitler." I may read it in German now, it is easier --

A This proves that the Zellenleisters were not classed absolutely as being trustworthy, and that they should not make any long speeches, or declarations,but if they do have these meetings, that they should read a passage from Mein Kampf." where they can not do any harm, and this was done with the agreement of the Ortsgruppenleiter. Accordingly,the Zellenleiter did not need a permission from the Ortsgruppenleiter.

Q So as if the Zellenleiter could do this without agreement, you considered it was not necessary to give this agreement?

A The Zellenleiter did not know the Organization Book, or the NSDAP furthermore did not know anything about it,and I do not think that the

H0934 - 0049

Ortsgruppenleiters in my Kreis, and in the neighborhing areas did hold exactly to the Organization Book of the NSDAP.

Q Tell me have you in your conducting as Kreisleiter had any connection with the State Police, orwith the general police organizations?

A We had no very bad connections with the State Police,but only when I complained concerning a fact one day I was told that the State Police was neither under the State, that is, the district administration, nor under the Party.

Q Can you tell us why you did complain?

A The members of the State Police at times made arrests, for instance, of those that listen to Allied war propaganda, or of receiving information from some one,and then the relatives or acquaintances of that person arrested came to the Kreisleiter who was supposed to know everything and any information concerning everything, and wanted to know what was the basis, or what was happening sofar as arrests were concerned.

Q If you got information from some of your subordinates about your political position taken with some one, which you considered not as completely in line with the general policy ofthe Party as you thought it should be, did you also report that to the police?

A No, I had them come to me, or adjusted by myself, or through my own knowledge.

Q What about this excerpt(r) of the same Organization Book, pages 132 to 134: "The Kreisleiter has the right and duty to hinder or to prevent any manifestation in public, or non-public manifestations in actions which are contrary to the directives and the aims of the Party." "The necessary measures due to thisright or supervision have to follow the general directives

H0934-0050

given particularly to the Kreisleiter. In serious cases the Gauleiter has to be informed. Eventually, more serious measures which are considered to be necessary have to be acted upon by reporting to the competent authorities of the Gestapo of the service for the people undermining that propaganda." Is this correct. I do not ask what you think personally. I ask if this excerpt is within the scope of the general organization of the Party?

A If within the Party it was found out that any organization, or any part of the organization was conducting such measures, such as meetings, political meetings, and so on, then he could drop them, and in the case these meetings were arranged by State officials, the State Department then made use of the State Administration, or State Police for prevention of these incidents or meetings.

Q In other words, you considered that the Kreisleiter was responsible only as and sofar as the Party members showed any manifestations or actions?

A Yes.

Q In other words, you had nothing to do with manifestations or actions of the population, if it was not a member of the Party?

A If I did not like these organizations, or thought that some trouble would be coming from them, then I would turn to the State officials, or the department in order to prevent such further meetings or demonstrations.

Q So you had certain supervision even over the people who were not members of the Party?

A I can not call that supervision.

Q And when you said you reported to the authorities of the State, or the Gestapo, that is one of the authorities of the State, isn't it?

A Yes.

H0934-0051

Q Now your subordinates,for instance,the Blockleiters and the Zellenleiters,they had similar duties within their own scope ?

A As I know, no.

Q For instance, the Blockleiter had the duty of reporting about the political attitude of the people of his block?

A If what he heard out of the population concerning anything like that,if he had heard it as a Party member, or as a Blockleiter or Zellenleiter,then, of course, it was his duty to go to the Ortsgruppenleiter, and tell him this and this. That was the duty of every member of the NSDAP. The Blockleiters did not report these incidents, because they would claim of being shunned by people of their block either in social matters, or not, in some other way. Mostly reports of this kind came from the population, or regular single low Party members.

Q Then he did not act according to his duties as Blockleiter or Zellenleiter?

A He did not receive any such instructions to spy on the population.

Q May I read from your book, page 101 about the Blockleiter: "It is his duty to find people disseminating damaging rumors, and to report them to the Ortsgruppen so that they may be reported to the respective State authorities." Is this right?

A I am certain if he had heard of anything that would be harmful to the Party, or the community, then he would have reported it.

Q And you could even add it was the duty to do so?

A Not only his duty but also the duty of every person and member and every party in that group.

Q In your district what was the connection you had with the SA?

A The connection with the SA after 1934 was generally good.

H0934-0052

Q How did you work with the SA?

A When we had any kind of meetings we invited them. When we had any kind of marches, they were also invited, and they received the first place in the March, which was due to them, and in general there was a friendly co-operation between us with the exception when it concerned matters within the organization. Has the Political Leader the right to ask the SA for directions in your district, an order for your own disposal of a detachment of this aid to certain districts?

A No, it could not be done. The order was always with the SA.

Q I would like to read another excerpt of the SA organization. Page 71: "The Hoheitstrager is responsible for the entire political appearance of the Movement within his zone. The SA Leader of that zone is tied to the directives of the Hoheitstrager in that respect. Requisitioning the SA. TheHoheitstrager is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA Leader if they are needed for the execution of a political mission. The Hoheitstrager will then assign the mission to the SA. Should the Hoheitstrager need more SA for the execution of a political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector. The directives laid down with regard to the relationship to the SA are similarly applicable to the SS." Do you still maintain that you could not give any orders to the SA for political means?

A I want to say that I could call upon the SA in order to have or take up some propaganda actions, oranything like that, in operation with myself.

H0934-0053

The formation, however, was laid by the SA Leader, with a responsible SA Leader.

CAPTAIN TUBRIDY: May we take a recess now.

(Recess)

BY M. MONNERAY: Q So you agree you had the right to ask the SA for participation in political tasks within your district?

A I had that right.

M. MONNERAY: I have no further questions.

MAJOR MURRAY: No questions.

DR BERGES: I would like to limit myself to a few points.

CAPTAIN TUBRIDY: Colonel Karev, do you have any questions with this witness?

COLONEL KAREV: Yes.

BY CONOLEN KAREV:

Q Since in that area in the Kreis in which the witness worked almost no orders from the National Socialist Party arrived, or were received, I have one question. The persons who sent their application from the camp through the witness, did ~~one~~ they know about their ~~ability~~ responsibility, if in the case that the organization would ~~have knowledge~~ be held as a criminal one?

A Yes. All of them were quite certain as to what would happen, or how it would happen, and they supposed that they would have some serious and bad consequences either way. I had to explain that to them exactly at first, and then they came and made their statements.

Q I did not ask about this thing. I asked you about the persons who have sent their application, the persons or leaders of the Political organization when they sent their applications from the camp, ~~who has known all~~ did they know of this, if the Nazi organization will be considered as a criminal one,

H0934-0054

That they will be charged as a criminal according to the Rule 10, according to Roman number 10 of the military commission?

A Yes, they knew that.

Q That means that applications gathered by you are by applications of the people which knew that they were belonging to this criminal organization.

A Everybody who made one of these statements or applications knew they were belonging to an organization which was supposed to be declared a criminal organization.

Col Karev

M. MONNERAY: That is all, no more questions.

DR. BERGES: The witness was shown a decree conerning foreign women. The decree is concerning Alsace-Lorraine. I am sorry but I myself do not have it in front of me. The witness was asked whether he would consider the order of Political Leaders that carried out, or helped him carry out this measure were to be regarded as criminals. Isn't it the basis of this questioning a matter, if this portion was voluntary on request by the women, or whether it was involuntary. Since the witness has answered your first question, I would like the witness to answer this one.

H0934-0055

A I know that in our district of our Kreis there were two birth-homes for these women, who after having given birth to children took these children, with the permission of the farmers, back to the farms to raise them.

Q My question went further. Is it not a crime onlywhen these abortions were forced, that is when not voluntary?

A I would consider it a criminal act if one forced a farm worker to an abortion.

Q I have two more questions concerning the blockleiders and zellenleiters. The witness was shown the organization book by the prosecution in which it states that blockleiters and zellenleiters were ordered to read parts of Mein Kamp to party members or the population. I ask the witness if he knows of any case whatsoever when a blockleiter or zellenleiter called a meeting of the population and did this during their meeting?

A I know of no such case.

Q In this book of organization, it is also mentioned that the blockleiters and zellenleiters were also Hohertstraegers. In cases of transfer, were the blockleiters and zellenleiters not substituted from the Hohertstraegers?

A I do not understand.

Q I am talking of the trasfer of officers who were Hoheitstraeger.

A Blockleiters and Zellenleiters could be transferred.

Q Does the witness know if it was necessary, in the case of a transfer of any person from a hohertstraeger upward permission had to be secured from the deputy of the Fuehrer?

A I cannot remember that decree for certain.

Q In order to refresh the memory of the witness, I would like to remind him that this order concerning transfer was in the General Civil ~~Servants~~ SERVICE law.

CAPTAIN TUBRIDY: I ask the point of this line of questioning?

MR. BERGES: The defense maintains that only Hoheitstraegers and upward could be transferred only with the permission of the deputy of the Fuehrer. This was not the case with the local zellenleiters.

~~CAPTAIN TUBRIDY: You may go ahead.~~

BY MR. BERGES:

Q In the case that the Hoheitstraegers were required to make any kind of statement does the witness believe it was required that he receive permission from the Deputy of the Fuehrer, but that was not the case with the blockleiters and zelle nleiters?

COLONEL KAREV: I would say that all these statements are made by the defense council and that the witness may not be competent to make these statements or give these answers.

MR. BERGES: With the permission of the Commission, I would like to ask the witness whether it was necessary for a blockleiter and zellenleiter to receive permission to make a statement?

MR. MONNERAY: It seems to me that this line of questioning could be avoided as this is a matter of law, whether these men were hoheitstraegers or not and further more German Document 1893 states specifically who the hoheitstraagers were and this included the blockleiters and the zellenleiters. It therefore appears that this entire line of questioning is immaterial.

MR. BERGES: The entire purpose of the defense is to prove that the organization book had incorrect statements in it and not least of all, on this depends the fate of one and one half million blockleiters and zellenleiters. That is why I asked the question.

H0934-0057

MR. MONNERAY: It is not contested that the book of organization of the NSDAP is an official document of the Nazi party and I don't think that the testimony of a relatively small party officer could be held and considered as the ~~first~~ best evidence against the official document of the Nazi party.

MR. BERGES: The defense for the Corps of Political Leaders will ask the same question in every instance of a witness for the Corps of Political Leaders in order to prove that in practise it was quite different from the theoretical point of view.

COLONEL KAREV: It seems to me that it is useless to interrogate a witness, who does not know, on the basic directives of the party program.

MR. BERGES: I repeat the last question. Was it necessary for the blockleiters and zellenleiters to receive permission to make statements as Hoheitstraegers?

THE WITNESS: No.

MR. BERGES: There are no further questions.

(THE WITNESS CONCLUDED HIS TESTIMONY AT 1620 HOURS.)

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The foregoing is a true and correct transcript of the testimony of WILLY MEYER WENDEBORN, TAKEN ON 4 and 5 JUNE, 1946.

Mabel A. Lesser
Reporter (pp. 1-10

Alice Mahan
Reporter (pp 22-33 + 54-56

Jane W Cook
Reporter (pp 11-21

CERTIFIED TO:

C J Gallagher
REPORTER LPP 3/4-53

Joseph F Tibbitts
Commissioner

Commissioner.

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H0934-0058

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

5 June 1946.

COMMISSIONER:

Captain Joseph Tubridy.

POLITICAL LEADERS.

(THE COMMISSION CONVENED AT 1000 HOURS)

DIRECT EXAMINATION RESUMED.

WILLY MEYER WENDEBORN, a witness, took the stand and testified as follows:

CAPTAIN TUBRIDY: Please remind the witness that he is still under oath.

MR. BERGES: I just want to give the PS number of the exhibit which I was unable to give yesterday. I showed the witness the Decree by a representative of the Fuehrer of the 25th of October 1934. It is an order which already has been presented by the Prosecution under the number 2474-PS. In the Trial Brief the first paragraph of this order is given but there has been some mistake in the quotation. After the first paragraph exceptions are being mentioned. Actually the first paragraph is quoted entirely and the other points are unnecessary. The mistake is due to the fact that the Ortsgruppenleiter, Kreisleiter and Gauleiters are given as Hoheitstraegers only and the exceptions would indicate that the Blockleiters and Zellenleiters would follow in the further quotation.

COLONEL KAREV: If I understood it correctly, the Commission was called together to hear the witnesses but not to analyse documents.

MR. BERGES: I was asked by the Prosecution yesterday whether I was quoting word by word. This is an explanation concerning that.

CAPTAIN TUBRIDY: Can this not be better presented in a brief instead of examination of the witness?

MR. BERGES: I was asked yesterday concerning whether I had quoted word by word and this is in answer today concerning that quotation yesterday.

H0934-0059

CAPTAIN TUBRIDY: May I ask what it is you are trying to bring out from the witness now?

MR. BERGES: I want to refer to the points of the Prosecution; this was only an immediate question.

CAPTAIN TUBRIDY: What further points?

MR. BERGES: Persecution of the Jews, Treatment of Foreign Workers, and before that a conclusion to yesterday's questioning concerning the relation of the Party to the SS.

CAPTAIN TUBRIDY: All right, Mr. Berges, will you proceed along those lines?

BY MR. BERGES:

Q Witness, you described yesterday some characteristic incidents which happened between the SS and the Political Leaders. I just want to remind you concerning these cases in headline form. You spoke of the visiting permit for Political Leaders to visit the concentration camps. You spoke of the demonstration of the Esterwegen SS Guard Units. You spoke of the case of refusal to take an oath. Am I correct if I conclude that the SS did not regard itself as an organization of the Party?

A I had the feeling that the SS did not consider itself a formation of the Party or only in a very formal way. I had the feeling that they were like a state within a state.

Q What is your answer to the Prosecution's statement that there was a mutual conspiracy?

A A mutual conspiracy would have been impossible from the beginning because they never informed us of their duties and activities.

Q I now come to another point, the point of the persecution of the Jews. Were the political leaders of your Gau or District participating in the persecution of the Jews in November 1938?

A In no way.

Q Would you explain that a little further?

CAPTAIN TUBRIDY: What is there to explain further if they did not participate in any way?

Q Where were you on the 10th of November, 1938?

H0934-0060

A I was in Clobbenburg.

Q When did you hear of it?

A Early in the morning, when the small synagogue in our town already had been burned down.

Q What did you do as Kreisleiter?

A I first went to the place, to look over the situation. It was already totally burned down. Then I called up the Gauleitung from my office, to receive some information and instructions. The Gauleiter knew just as much as I did concerning these things, that is, nothing. The Gauleiter and his representatives were still in Munich and the person in charge of the Gau prohibited any participation of the NSDAP during these demonstrations.

H0934-0061

Q May I ask for the name?

A If I remember correctly it was Valkenhorst.

Q What did you do thereupon?

A I received a call from the Landrat(head of administration of district) telling me that three or four old Jewish people had been delivered to him for protective custody.

Q From whom?

A The way he told me, SA men had brought in these Jews. I thereupon visited the Landrat right away and asked him to release these Jews immediately. He said that he had no instructions whatsoever which would be in opposition to that and the Jews were thereupon released immediately.

Q Did the Party or the Political Leaders in your district have any profits from these anti-Jewish demonstrations and from the Jewish boycott?

A We did not receive anything and did not profit at all. The Jews thereupon sold their goods slowly and emigrated.

Q I repeat my question concerning the valuables that belonged to the Jews. As far as you know, did any political leader obtain any Jewish land or real-estate?

A I can think of no case when a political leader received any Jewish owned property.

Q Who was in charge of the expulsion of Jews out of the area?

A The State Police.

Q Did any political leaders take part in this expulsion of Jews?

A I remember two, three cases when political leaders asked me whether this or the other Jew could stay.

Q In other words, the answer to my question would actually be "No, just the opposite."

I now go over to a further point of the Prosecution. In the Northern Germany Area, about which you can give your own opinion, were any foreign workers mistreated as far as you know?

A The treatment of foreign workers was good in my Kreis or District and in the neighboring areas.

Q Was your district an agricultural district?

H0934-0062

A Mostly agricultural and a little bit of industry, mostly torf(peat)

Q Can you describe conditions of the foreign laborers in the agricultural districts?

A The foreign workers in our district for the most part lived in the houses of the farmers. They ate together with the farmers and the German farm helpers and after a short time looked excellent as far as their health was concerned.

COLONEL KAREV: I think that this witness is only qualified to answer if it is established that the Party was in charge of the foreign workers and their treatment and living conditions.

MR. BERGES: Even though the Party did not have any direct responsibility for the living conditions and accommodations of the foreign workers, any case of bad treatment or inhuman treatment would have been reported immediately to the Kreisleitung, as the local political organization. Also the Prosecution states that the Party, that is the Political Leaders, were responsible.

COLONEL KAREV: I wish the defense would refrain from asking the witness questions concerning how the foreign workers were treated inthat one particular district and on the other hand ask questions concerning the treatment of foreign workers as a whole, everywhere.

MR. BERGES: I do not understand the objection. I just wanted to ask these last questions.

CAPTAIN TUBRIDY: Mr. Berges, it is the same point that has been made several times during these proceedings and that is, what this witness testifies to with regard to what went on in a very minute section of the country, has very little probative value. We would like to have yo ur questions directed to the actions and policies of the activity of the Organization as a whole and not as to some very minute area.

MR. BERGES: May I say that the Corps of Political Leaders with its two million members is accused? The court has said that there is quite a bit of material concerning the top available, that is the Gauleiters and Kreisleiters. Of those two million members, 93 percent belonged to the lower categories. From this 93 percent I have to take out some practical information concerning their activities and I can do that only if I can get from the witness general

H0934-0063

information. The witness, at the end of the defense questioning, can give various general statements since he was in a position to see the conditions in Northern Germany extremely well.

CAPTAIN TUBRIDY: Would you proceed with the ge neral statements then, please?

COLONEL KAREV: I wish the defense counsel would put a question to the witness about what measures the political organization took when they learned about the ill-treatment and conditions which prevailed.

MR. BERGES: The witness up to now has answered that he know of no case of mistreatment.

COLONEL KAREV: If we are going to take so much time in order to hear again all about the criminal activities which took place and which the Tribunal already knows about, we shall not have enough time to speak about the criminal character of the Organizations. We must be more

distinct because we are a Commission and not a Tribunal.

MR. BERGERS: Of course I intend to prove that it did not have a criminal character.

BY DR. BERGERS:

Q The Prosecution asked what the Kreisleitung could have done in case they had heard of any cases of mistreatment of Eastern workers. Do you know of any such cases?

A In cases where any of the farmers were responsible for minor mistreatment of workers, these workers were immediately taken away from them. I heard of one more serious where the workmaster criminally attacked a Russian or Polish foreig worker, a girl. I immediately reported that man to the police and he received on and one-half years of hard labor from the regular courts. That was not the case just in my district but the Kreisleiters all had orders from the Gauleitung to supervise the conditions and accomodations of the foreign workers constantly.

Q A further point of the Prosecution is the so-called Lynching Justice. In your area were there a large number of landings by foreign fliers?

A We were along the main route of planes from England to Germany and we had a number of emergency landings and parachute jumpings.

CAPTAIN TURBRIDY Where was this area?

A Clobbenburg, in the southern part of the Province of Oldenburg.

Q Was there quite a bit of activity by strafing - fighter planes?

A The strafing in the last few months of the war prevented any kind of movement on the streets during daylight.

Q What was the feeling of the population, especially as far as strafing was concerned?

A The population had a number of casualities from these low flying strafing planes and was bitter about it.

Q Could the population have gone over by itself to certain acts of self-justice?

A I don't believe so.

Q Did the Political Leaders in that respect have another opinion or point of view?

A No.

Q Did you know about the Bormann Decree?

H0934-0064

A I do not remember the Bormann Decree but I do remember an article by Goebels in "Im Reich" in which he said that the population was excited and that disturbances would not be impossible.

Q The Bormann Decree contains about the same thought. It prohibits any kind of activity against the population in cases where the population would be taking in enemy fliers. Do you know of any such decree?

A I heard about a decree but I personally have never seen it.

Q At that time or later?

A That was in the last, the very last time.

Q I wish the witness would explain a little further what he means by "the last time".

A During the last three or four months.

CAPTAIN TURBRIDY: Did that decree of Bormann's come out in 1945 or 1944?

MR. BERGERS: I believe it was 1944.

THE WITNESS: I can't say.

Q Was any action taken in connection with that Bormann Decree?

A We acted to the end as we acted in the beginning; that is, we turned over any captured enemy flyer to the army and did not concern ourselves with him directly. Any of the population that had helped these flyers, that is given them shelter or food, or had kept them overnight, were in no way acted against by the Party.

Q Did you, as Kreisleiter, help any such people if they were revealed by name through some other source?

A Yes, due to a very human feeling.

Q Did you provide any articles of the Kreisleitung for these flyers that landed during emergencies?

A During the last month, that is during April, a soldier brought me nine to eleven prisoners, among which was a Canadian flyer. He could not get rid of them in any way because the offices did not function any more. I then told him to bring these prisoners to Ahlhorn, about 10 kilometers away, and I gave them food and a few cans of meat and also let them drink before they left.

Q One major question concerning this whole point of Prosecution. You come from an Internment Camp in Northern Germany, don't you?

A Yes.

H0934-0065

Q With about how many more Political Leaders were you there, that is Political Leaders of Northern Germany?

A About a thousand to twelve hundred.

Q In that camp were you an aide or assistant to the confidence man that was working for the Nurnberg Trial?

A Yes, I was selected for that.

H0934-0066

H0934-0067

Q Since about when were you active?

A November of last year?

Q I have here a number of statements by political leaders of the Camp Falibostel. Were you active in collecting these statements?

A Yes.

Q These statements concern themselves with the points of the prosecution -- concern those points which I have up to now discussed with you in this interrogation, that is, Persecution of the Church, Persecution of the Jews, Concentration Camps, Lynching Justice or Treatment of Enemy Flyers, and the Treatment of Foreign Workers.

H0934-0068

Q Would you say that during your meetings with these political leaders from all northern Germany, did you find out anything that was in opposition to what you have stated here before this commission?

A No.

Q Well can you, due to your activity in the internment camp Falibostel, would you tell us whether or not the action or the activities of the political leaders in other gaus and other districts were the same as yours?

A From the sworn statements, sworn affidavits, I could charge that the treatment of the workers concerning all of the points of the Prosecution were the same all over Northern Germany as they were in my particular district of Clobbenburg.

Q I want you to state or to acknowledge you did not at any time turn back any sworn statements which had a particular character, or which was of another character as the statements you have made here?

A I can certify it.

DR. BERGER: Thank you. I have no further statements.

CROSS-EXAMINATION

BY COLONEL GRIFFITH JONES:

Q Was it the duty of the leadership corps to carry out instructions issued by the Nazi Party.

A Yes.

Q Was it true that the leadership corps of the Nazi Party organized the State, the country?

A When we came the state already was organized. We made a number of changes.

Q And the local administration of the Nazi Party was run, was it not, by the leadership corps?

A The business of the state administration was not lead by the political party but by the State.

Q Was the Gauleiter not in authority over the administration within his gau?

A The Gauleiter was also Reichstadthalter. It was his duty to keep

H0934-0069

liaison between the party and state. The first Gauleiter Roever who died in 1942 was not active in that. The next succeeding Gauleiter, Wegener, was more active in that field and brought about a number of changes.

Q I don't want to go into a long story as to how the political leaders were appointed, but may I take it that they were all voluntarily occupying their offices?

A Yes.

Q And that also applies, does it not, to the Zellenleiter and the blockleiter?

A The blockleiter and zellenleiter were appointed through the Ortsgruppenleiter, after he had a discussion

H0934-0070

with the staff. However, if a person considered himself not up to par or that he was unable to do a job, or that he did not have the time, we looked for another one.

Q And it was decidedly voluntary on the part of the zellenleiters or blockleiters whether or not they accepted the position?

A Yes.

Q And I want to ask you a word about the meetings of the political leaders. You told us yesterday that the Gauleiters were meeting, I think, every six weeks or so.

A About every six to eight weeks these Kreisleiters and Gauleiters met together.

Q I just wanted to clear it up, in your testimony yesterday you stated that the Kreisters attended meetings in addition to the Gauleiter staff?

A Also representatives of the government were invited.

Q At the meeting of the Kreisleiters did the Ortsgruppenleiters attend?

A Yes, and every week in the Kreisleiters was a meeting for those who wanted to attend, but every four or five weeks, all of the Ortsgruppenleiters, together with the nearest of the Kreisleiters staff were called together for the meeting.

Q Did the zellenleiters and the Blockleiters attend those meetings?

A No.

Q Did the Ortsgruppenleiters hold meetings of the Zellenleiters and Blockleiters?

A It was the duty of the Ortsgruppenleiters to call togethe every political leader at least once a month.

Q Do you include in those political leaders of the Ortsgruppenleiters, did you include the Blockleiters?

A Yes.

Q Did the Zellenleiters hold independent meetings of their own which the Blockleiters attended?

A No, that hardly happened, but they did at times come to-

H0934-0071

gether to straighten out their financial affairs since they had to collect the money and check the membership list and so on.

Q Am I right in assuming that at all of those meetings of the political leaders general business was done and any orders that had to be issued were passed on, of all grades?

A During these larger meetings all important business was passed on. However, any new orders usually were sent to us throug messages.

Q If there were orders which had to be passed on to the blockleiters, were they sent by message to the blockleiters or were they generally passed on verbally at the monthly meetings?

A There between the blockleiters and zellenleiters on one side and the Ortsgruppenleiters and the staff on the other side, there was supposed to be no written instructions in order not to make these people of any lower rank or lower positions, not to make them too much work.

Q So that there were as a general rule no written instructions passed below the Ortsgruppenleiter, is that correct?

A No, not as a rule.

Q I want to ask one rather general question, taking their duties as a whole, would it have been possible for the Ortsgruppenleiters to carry them out, had they not had at their disposal the services of the zellenleiters and the blockleiters?

A That is all they could have done on the whole, since during these monthly conferences of the party members, the orders or any such messages could have been passed on.

Q In such cases then it would not have been possible, and the services of the zellenleiters and the blockleiters were essential?

A As far as publication or making public such orders or decrees was concerned, the Ortsgruppenleiters

HO934-0072

could have that done through a speaker at the monthly conferences. The administration matters on the other hand, that is, the collection of the money, the preparation and collection of various items, that we had to prepare in the blockleiters and the zellenleiters.

Q. Now I want to ask you about the tasks of those blockleiters and zellenleiters in a little more detail. In dealing with that matter yesterday you told us that block and zellen leiters had no authority to carry out arrests?

A. Yes.

Q. Tell me, did higher grades of the political leaders have the right to arrest persons?

A. No political leader whatsoever had the right to arrest people or had any executive powers.

Q. I only asked you that because I wonder what the significance of your answer was, if any. You told us also that they did not have the power to confiscate property?

A. Yes.

Q. Do you mean by that that some of the other political leaders did have the power to confiscate property?

A. Political leaders or men of the party did not have any right to confiscate anything.

Q. You told us yesterday that when a party member was slandered by anybody he went and told the blockleiter about it?

A. Yes.

Q. And what did the blockleiter do about it?

A. The blockleiter then gave him advice what he should do.

Q. And what sort of advice did the blockleiter give him?

A. Only the simplest advice. If it was a more difficult case he went to the ortsgruppenleiter with that thing.

Q. And what action did the ortsgruppenleiter take?

A. Well, it was possible for the ortsgruppenleiter to give a little more concrete information, either say, go to the district administration and

H0934-0073

complain there or make up with the person and I will help you in it.

Q. The party member did not go to the blockleiter, did he, to tell the blockleiter about it in order that the party should get busy with the man who had slandered him?

A. No, he could not do that. He knew that the party could not do that. It was the duty of the regular courts or state offices.

Q. Then, if that was so, why was it necessary for the party member who was slandered to go to the blockleiter and not go to the normal administrative office or judicial offices where anybody else could go?

A. First of all the route to the blockleiter was the shortest, and, secondly, he could talk to the blockleiter man to man, and he did not have the embarrassment that he would have had in speaking to the judicial officers, and, thirdly, we told the people to come to us if they had any difficulty where we could help them.

Q. Very well. I am going to leave that.

Now, I want to ask you about another task of the blockleiter and zellenleiter, and I refer to Document PS-063, USA 696. Do you remember an order issued by the Deputy of the Fuehrer on the 13th of March, 1940, containing instructions that enemy parachutists were to be immediately arrested or liquidated?

A. No.

Q. Did you never get that order in the gaus in which you were working?

A. I do not know that order.

Q. You were a Gauleiter in March, 1940, were you not?

A. I was a Kreisleiter in 1940.

H0934-0074

Q You were a Kreisleiter and your Gauleiter never passed that on in your monthly conferences withhim?

A No, I did not receive any such orders either in 1940 or later.

Q Well, I want to ask you about it generally, because I am not really interested in you personally and all you did in your own particular gaus, but I am interested in the leadership corps generally, and the instructions to the gauleiters read as follows:

"The attached directions as to paraghutists are to be disseminated only orally by a Kreisleiter, ortsgruppenleiter, zellenleiter and blockleiter."

Now, let me ask you first of all your own views about that order. Do you think it is proper to issue an order to liquidate enemy parachutists?

A That not only would have been unlawful but it also would have been a very vulgar order. We, ourselves, had fliers in England.

Q It was not only a vulgar order, but, in fact, it is an order to commit murder, isn't it?

A I did not receive such an order.

Q I am just asking you your views on it.

A Yes, that would be murder.

Q Well now, can youtell me this: If the corps of political leaders is an organization which is only used forproper and lawful purposes, why is it an order such as that has been issued to them?

A I did not receive that order and also did not pass it on.

Q I am not asking you what you did, but you have been telling us that the leadership corps was an organization whichdid not take part in criminal activity. I am asking you if that is so, why is it this order has been issued to members of the leadership corps, to all members of the leadership corps to be carried out by them?

A I do not know this order. I did not see it and I would not have carried it out.

Q Then, I take it you have no explanation and no answer to my question.

A I believe that I answered all of your questions. I said I considered such an order to be verylow, and that I would not have carried out or passed on such an order.

H0934-0075

Q Very well. Now I want to pass to something else.

(A recess was taken.)

BY COLONELGRIFFITH JONES:

Q Now I want to turn to another task of the political leaders. Did you say yesterday that spying on their neighbors was not one of the tasks of the political leaders?

A Yes, I said that.

Q If the political leaders had been instructed to discover and report upon people who had not voted during one of the Reichstag elections, would you consider that spying?

A. Yes, that would be a spy.

Q. They were in fact instructed to do that, were they not ?

A. I did not receive any such order for spying or swindling .

Q. Do you know that such orders were issued in some Gaus anywhere ?

A. I do not know of that.

Q. Let me ask you for your explanation of this letter. I refer to D-43, which is a new Document. It is contained in the Prosecution Document on Frick and will be now numbered as Prosecution Document - Political Leadership Corps No. 1.

(THE WITNESS IS HANDED THE DOCUMENT)

You can see the letter is dated May 26, 1936 ?

A. Yes.

Q. It is addressed to all Ortsgruppen and Stutzpunktleiters. Tell me briefly what is a Stutzpunktleiter ?

A. Stuntzpunktleiters formerly were a small unit under the Ortsgruppen, later all Stutzpunktleiters were elevated.

Q. In May, 1936 the Stutzpunktleiters were apparently still a subordinate leader group ?

A. The Stutzpunktleiters were in the middle between the Kreisleiters and the Ortsgruppen.

Q. I will read that letter to you and perhaps you can follow me with the interpreter : "In view of a demand by the Reichs Minister of the Interior, Dr. Frick, a report has to be made wherever officials did not comply with their duty of voting on the 29th of March of this year."
The letter is regarding the Reichstag election of 29 March, 1936.

Does that not indicate that Dr. Frick had sent instructions to all Gaus ? It looks like it does, does it not ?

A. We did not receive any orders from any State departments or offices and we were not subject to such orders.

Q. It looks from the first paragraph that those orders had been issued to all Gaus.

A. Yes, one could suppose that.

H0934-0076

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Q. Then we will read on.

A. It also looks possible that he had to send the order from the Government offices in Bremen and that it went by way of mouth to the party.

Q. It may have gone by way of mouth to all members of the party, but the letter shows it was written and addressed to all Ortsgruppen and Stutzpunkt-leiters. Do you realize that ?

A. Yes.

Q. I will read on : "So far as such cases are known in your Ortsgruppe or your Stutzpunkt, you will report them to me not later than May 3rd."

Will you agree with me that the Nazi party gave word to the world that the Reichstag elections in 1936 were free elections ?

A. Yes.

Q. What do you suppose was the purpose of finding out now the names of the civil servants who did not vote for the Nazi party ?

A. I don't know the reason for that. It also states as far as these cases were known -as far as they were known to the public.

Q. You don't generally know who has not voted unless you make inquiries, do you ?

A. Well, there were people who were proud and let the fact be known that they did not take part in the election ?

Q. Let me ask you again. If the elections were free elections, what purpose was there in having the names of those who did not vote reported to Dr. Frick, the Minister of the Interior ? What was the purpose of demanding these reports ?

A. I cannot tell you that for sure.

Q. It does not sound very credible or very legal does it ?

A. One does not know what reasons he had for this letter. There were a number of party members, who were always publicly very active for the party. They were always present in every meeting and it possibly would have been very interesting to find out what their real activities and opinions were.

Q. Will you look at the last sentence ? I quote :"This circular has to be destroyed immediately after this matter is settled." If there was nothing to be ashamed of, what could be the possible reason for having to destroy this circular immediately ?

A. In this case, I would not have asked that this circular be destroyed. It says here that the reports had to be correct, that they had to be treated very carefully, so that no wrong would happen to an innocent man.

Q. I am not asking you what you would have said to that circular, or if you would have said that it should be destroyed, I am asking you still if you can as a Gauleiter, offer any explanation as to why Dr. Frick and the Kreis in Bremen gave instructions that the circular should be destroyed immediately ?

A. I did not know of the existence of this letter and I do not know Dr. Frick's reasons for sending it out .

DR. BERGES: The witness claims that this was a wrong translation he did not say he did not know of the existance of this letter, he said he did not know it came from Dr. Frick.

H0934-0078

THE WITNESS: I do not know anything concerning this request of Dr. Frick:

BY COLONEL JONES:

Q Can you give me an average figure of the number of people whom the Ortegruppenleiter would have under him?

A Ortsgruppenleiters in some areas had under them up to 4,000 or 5000 party members and people.

Q If he had to find out the civil servants that had not voted, it would be quite impossible to do it by himself would it not?

A No, he could not have done it.

Q Then the people would have asked to help him would be the Blockleiters and the Zellenleiters. Would he not?

A They could do it even less, as they did not see the voting lists.

Q They might have known even less, but if inquiries had to be made, which were strictly secret, they are the people that the Ortsgruppenleiters would have ordered to make inquiries?

A He could not have used the Blockleiters and the Zellenleiters for this inquiry, due to the fact that they had no information whatsoever, as the election qualifications were all state qualifications and state troops.

Q You have told us once that they were the type of people he would use and now when you realize the signifcance of answering, you are going back on it. If the Ortsgruppenleiter could not do it by himself, who would have helped him if it was not the Blockleiters and the Zellenleiters?

A I cannot tell you because inquiries of that kind were not his duty.

Q Not whose duty?

A The duty of the Ortsgruppenleiter.

Q It is his duty to make those inquiries when he was instructed to do so?

A This is a very special case, which cannot be considered as a rule.

Q I will ask you once more in this very special case if it was not the Zellenleiters and the Vlockleiters that he got to make his inquiries for him, who was it?

A I cannot tell you anything concerning this. I did not do anything like that and have no explanation.

Q We will pass on to something else. Please return the Document to me.

(THE WITNESS RETURNS THE DOCUMENT.)

H0934-0079

Do you know that in about the year 1937 a decree was made under which persons with hereditary disease were to be compulsory sterilized?

A I do not know of such a law.

Q I am going to refer you to Document D-181, which is a new Document and will become Prosecution Document - Political Leadership Corps No. 2 and can be found in the Frick Document book. You can see that this letter, dated 21 January 1937 from the Gauleiters Office at Westfalen-Sud. If you will look at the end of it, you will see that it is distributed to Gauamtsleiters, Gauinspekteure and Kreisleiters and on the top of it you will see the rubber stamp of the KreisleiterZiegerland.

DR. BERGERS: I understand that the witness is being asked whether he was aware of a decree concerning the sterilization of venereal disease cases. Was that a mistranslation?

CAPTAIN TURBRIDY: It was hereditary disease

DR. BERGERS: The witness was asked regarding venereal disease.

BY COLONEL JONES:

Q I said heriditary disease. Do you know of this decree?

A I do not know.

Q I want you to follow the third paragraph. "The question where a person is an imbecile cannot be solely judged by carrying on an intelligence test, but requires a complete evaluation of the entire human personality. This evaluation should take into consideration, not only the knowledge and the intellectual capabilities, but also his ethical, moral and political attitude. A number of Civil Servant doctors have attached little importance to the re-viewing of personalities as a whole. They have, up to now, hardly ever judged the political conduct of the so-called person with hereditary disease. Therefore, by virtue of the party, the Reich Minister of the Interior is referring matters of hereditary disease to the desk of all Gauleiters that the law regarding hereditary ailments will be used in the sense in which it is desired."

In your Gau, or in your Kreist, did you never have the task of assisting in examining the political attitude of people. in order to ascertain whether or not they were insane?

A I took part in this at one time when a nature healer and a drunkard was supposed to be sterilized. It was during the war and I questioned it and asked that this sort of operation should at least wait until the end of the war.

Q May I then take it that a nature healer and a drunkard is to be counted insane and is to be sterilized if he does not follow the Nazi party, but, if he fsca strict follower of the Nazi party, then the fact that he is a nature healer and a drunkard makes no difference at all?

A No.

Q Why was it necessary for you to examine the political views of the nature healer and the drunkard in connection with the action that was to be taken under this law?

A The case which was known to me and also to the entire population of the Kreis, the person had asked especially that the Kreisleiter be asked concerning his actions and concerning his activities and whether such an action had to be taken against him a family man at this time.

Q Well, it comes to this then does it not, that if he was a good party member that action was not taken against him, if he was not a good party member, he was sterilized.

A He was not a Party member, That did not make any difference to me. He was later used as a Chief of a Medical Detachment and was a very good soldier.

Q We will not consider that particular case any further. Can you tell me how many people the Kreisleiter had in this Kreis?

A My Kries contained about _,800 people.

Q You, then, in you Kreis could not possibly have been able to make inquiries into the political attitude of all the imbeciles and people with a hereditary disease.

A No.

Q Then the persons you got to help you in your Kreis were the Blockleiters the Zellenleiters and the Ortsgruppenleiters?

A No, concerning inquiries like this I would have named my own persons. It would have been a too difficult job for a Blockleiter, or a Zellenleiter to carry this out.

Q So you would have done it yourself, would you?

H0934-0081

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A If I would have received such an order, I would have seen to it that the case was cleared up personally.

Q Would you have had the time to carry on your other duties as Kreisleiter if you had to go out and make inquiries about all the people who might have hereditary disease or might be imbeciles among six or seven thousand persons.

A The number of imbeciles and people with hereditary disease was so small in an agricultural community as ours it would only have been a very small task.

Q We will leave that matter. Do you know that in the years 1939 and 1940 under Nazi Government in Germany nursery homes were set up where persons suffering from incurable diseases were murdered?

A I heard rumors at times that somewhere in Germany people with incurable diseases, after careful study, were to be liquidated or removed.

Q That is murder, is it not, according to the ethics of practically every nation in the world?

A Yes, that would be murder. When I heard this rumor, I inquired of the Gauleiter if there were such things and why we were not so informed, as the people first came to us inquiring about these things. The Gauleiter therefore asked me why I came with such fables as this subject to an official for inquiry.

Q If the corps of political leaders took any part, however insignificant, in the business of those institutions it would be discreditabl and illegal, would it not?

A Yes, without a doubt.

Q Will you look at this Document? I regret that I have no separate copy for Mr. Berges. It is Document PS 1969 and will be known as Prosecution Document - Political Leadership Corps No.3. It is also included in the Prosecution's Document on Frick. I will have copies for Mr. Berges tomorrow.

(Witness is handed copy of the document.)

Would you say that this is a letter from the Reichministry of the Interior to the Gaustabsamtsleiter Sellmer in Nurnberg, dated Berlin, 31 December, 1940?

A Yes.

H0934-0083

Q Can you see the rubber stamp of the Kreisleiter on it?

A Yes.

Q The letter reads:

"My dear party member Sellmer. I forward in the enclosure an incident, which deals with the affair, about which you have been informed by party member Blanicenburg from the Fuehrer's chancellery. As you can see in the application of Mrs. Marie Kehr, the latter would like to have information, whether it is possible by a law of the Reich, to relieve people from their incurable sufferings. I request that you investigate, whether Kehr is politically reliable, especially whether she does not have church connections. In case this should not be so, from my side, there are no misgivingsm if you give Kehr the desired information orally."

The footnote reads: "Ortsgruppenleiter Party member Popp is of the opinion, that one can inform Mrs. Kehr. She is calm and circumspect."

As a member of the Nazi party, why the fact that her having church connections would make any difference as to whether she is told if people can be relieved of their incurable sufferings?

A Maybe one thought that necessary, Marie Kehr may have been sent by the church to make such an inquiry so that later on it could be used against the party.

Q What could be wrong, if it is perfectly alright, with telling the church that the party had passed that law?

A They could have asked that question directly to the party or to the office of the party.

Q Tell me who would the Kreisleiter have made inquiries about that letter? The Gauleiter sent it to the Kreisleiter and how would the Kreisleiter have made inquiries about that?

A The Kreisleiter would have passed this inquiry on to the Ortsgruppenleiter, who in this case would have concerned himself personally with this inquiry. See, it is written on the bottom in ink that the Ortsgruppenleiter can inform Mrs. Kehr of the circumstances.

Q May we take it in view of that Document and the one presented before that it was a part of the duties of the political leaders to make

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inquiries as to the political attitude of persons generally?

A If there were cases like that when a person's name was submitted, I don't see why they should not have been answered.

Q Was it the duty of the political leaders to make inquiries as to the political attitude of people in connection with such laws as they were passed by the Nazi Government?

A It was not their duty normally.

Mr. Berges: I want to object against this last question. I object for the reason that the witness said he had no information and did not know

of amy orders concerning hereditary illness or the previous letter concerning sterilization and that such things were not carried on in his area, Therefore, if the witness is asked questions about these matters, he can not give direct answers, but only give his opinion.

COLONEL JONES: I want to turn to the question of foreign workers.

BY COLONEL JONES:

Q. Would you consider it good, kind, humane treatment if foreign women who had been forced to work in Germany for the Germans were compelled to have abortions if they became pregnant?

A. I would consider it as being against moral laws.

Q. Would it be against all the rules of humanity if when a woman had a child it was seized away from her and brought up elsewhere?

A. I would not have permitted that.

Q. If the corps of Political Leaders were taking part in activities of that kind, would you still say that they were not a criminal organization?

MR. BERGES: I have to object to that question, as it is apurely judicial question concerning which the court has to decide.

COLONEL JONES: I agree and apologise.

BY COLONEL JONES:

Q. Would you say that the corps never took part in criminal activities:

A. That was never part of our duty. I was never concerned with that act

Q. I am not asking you what you are concerning with personally. I will ask you my question again. If the Political Leadership corps were in fact taking part in activities of the kind that I have described to you, would you say that they were not taking part in criminal activities?

Mr. Berges: I object to this question for the same reason that I objected to the last question.

CAPTAIN TUBRIDY: Mr. Berges, is it your position that this man cannot tell a criminal act?

MR. BERGES: Concerning the organization, he can only give his opinion

(RECESS AT 1300 HOURS.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 5 June 1946)

EDWARD WILLY MEYER-WENDEBORN - Resumed.
CROSS EXAINATION - continued.

COLONEL GRIFFITH-JONES: Before we adjourned I was asking some questions about the treatment of foreign women workers who had become pregnant.

BY COLONEL GRIFFITH-JONES:

Q Will you take this file, that I can say at this time is being photostated, at which time I shalllike Dr. Berges to have a photostatic copy, probably tomorrow, or as soon as I get it. In the meantime let Dr. Berges look at it.

DR. BERGES: All right. May I look at it first?

COLONEL GRIFFITH JONES: Yes.

BY COLONEL GRIFFITH JONES:

Q This document will be D884, prosecution, document of Leadership Corps No. 4. I want you to look at the first document in the captured file, and you will see that it is a document signed by somebody who holds himself out as the Hauptbererchsleiter, or Gauleitung of Baden Alsace, dated 28 March 1944, and marked "secret". Would you look at the end of the document to see t whom it is distributed. It ends, "Gauobmann of the German Labor Front, Gau Propaganda Chief, Gau Press Office Chief, Gauamtsleiter of the bureau for racial policy, national health, the peasantry, national welfare, questions of race, Gau Women's Leadership, Gau Labor Office, Baden Alsace, Kreisleiters, Kreisobmanner of the German Labor Front, Kreis Peasant Leaders, Commander of the Security Police and SD, Strasbourg, Head of the Office of the Commissioner of the Reich Commissar for the Consolidation of German Race, Strassbourg.

Now I want you to look at part II of the letter. It is headed "Regarding the treatment of pregnant foreign workers and children given birth to by the same inthe Reich," and particular attention is drawn to the directive for the treatment of such children in the circular of the NSDAP, headed "Welfare Office That encloses extract from the decree of the Reichsfuehrer SS on 27 July 1943, Will you read that part. Then it shows the procedure for the application for abortion, which is once more explained below. 1. The factories report all cases of pregnancy to the competent Labor Office.

H0934-0087

That, presumably, is the labor office of the Gauleiter, is it?

A No, that is the State Employment Office.

Q Why should it be addressed as "Gau Labor Office" If you will look at the end you will find that the letter is addressed to "Gau Labor Office."

A That was the name Gauarbeitsamt, or the words, "State Employment Office" within the Gau.

Q And they came under the authority of Gauleiter, did they not?

A No, the Gauleiter could not give them any orders.

Q Are you telling the Commission that the office which is described as the "Gau Labor Office" was completely independent and received no instructions from the Gauleiter?

A Yes.

Q Very well. Let's go into thenext paragraph, "The Labor Office repor the case to the Youth Office in order to establish paternity. Is that the Youth Office in the Gauleiter?

A The Youth Office is every time with the District Administration of Landrat.

Q You are telling us that the Youth Office is quite independent of the Gauleiter, or that the Youth Office is under the Landrat of the District, and the administration and the Gauleiter had no authority concerning it?

A (No answer).

Q Very well. Look at the next paragraph: "The Health Office carried out an examination to determine health and hereditary health and submits a report." Is that the health office referred to in the distribution?

A It is the health office of the District, that is, not the political district but the State District.

Q So there was really no object in sending this letter to the "Gauleit of Amt IV National Health"?

A He only received it for information.

Q Will you look at paragraph 5. "If the investigations show that the progeny will be racially satisfactory and hereditarily healthy, they will, after birth, go to homes for foreign children, to be looked after by the National Socialist Welfare Organization (NSV)." The NSV is part of the Gauleitung, isn't it?

H0934-0088

A Yes.

Q So that the NSV in the Gauleitung is responsible for taking the babies away from their mothers?

A No, the responsible office is the State Office that turned them over to them.

Q It was going to be managed by the Gau, is it not?

A I have not read that letter and I cannot say what is in the first pages of the letter, but from what conclusion I did see is that it was merely information for those organizations to take over these children in case there are directives to them by the State Office.

Q Let's go into the last paragraph: " request the Kreisleiters to record immediately through the usual channels, in conjunction with the Kreisobmann of the German Labor Front, and the Kreis peasant leader, all cases of pregnancy which have already occurred and all children already born. An examination - in accordance with the new directives - of allchildren of foreign female workers who were taken under the care of the NSV before the issue of the new instructions, is also necessary." It is quite clear, is it not, that the Gauleiters and the Kreisleiters are taking a part in the carrying out of these instructions with regard to pregnant women?

A It shows here that it is to be done in the already named way, the already named channels. Can you tell me what the way is that is referred to in this case?

Q No. I am asking you to answer my questions. Is it quite clear from that that the Gauleiter and the Kreisleiter are taking part in the carrying out of this order. If you have any doubt, look again where it states: "I request the Kreisleiters to record." That is to say they are taking part in carrying out this order?

A Yes. Here is named the way, or the manner or way inwhich they are supposed to report, or do that. I wouldlike to know before I answer as to what that way is.

Q We will come to that. I shall show you in one moment.

H0934-0089

DR. BERGES: The witness says that he did not know or does not know the contents of the letter, and the measures taken. These are matters that happened in the Gau at Strassbourg. In other words, the witness can give his opinion of what he knows about it, but he can not give any witness testimony.

COLONEL GRIFFITH JONES: I am sure that Dr. Berges is not going to interrupt me any more than is necessary, and I am here quite fair. I am trying to ask the witness questions and get his evidence without any possible interruption. Tell me this, it would be quite impossible for the Kreisleiter without assistance to discover the cases of every pregnancy of foreign women within his Kreis, would it not?

A That is possible.

Q Well, it is certain, isn't it? Tell him no need to go on like that.

A Yes, I could find out about the number of pregnant women, but I would have to go to the district administration, or to the Mayor, and ask him whether he knew of any such cases, and there were cases in my area where foreign workers had children, and these children grew up on these farms.

Q I know that you will be reasonable. Now in practice the Kreisleiter would never have time to go around every day, or every week asking and finding out for himself which particular women, if any, were pregnant?

A I was never asked that.

Q I am asking you, the Kreisleiter would be unable to carry out this order of reporting, unless he obtained assistance from somebody else?

A Yes, certainly.

Q Would the persons he was going to get assistance from be his own Ortsgruppenleiters?

A In this case I would have to ask the Peasant leaders who would know that better.

Q Would this matter not have been discussed at the Kreisleiters' meeting with his own Ortsgruppenleiters?

A No, the Ortsgruppenleiters came to me and wanted to know, for instance, what can be done about these children that were growing up on these German farms. There were cases where the German children spoke better Polish

H0934-0090

than they spoke German, since they all played together, and they did not like that.

Q Now stick to the point. I am asking you how the Kreisleiters are going to find out that women workers are pregnant, and when they become pregnant, and I said to you, "That the way in which they would do it would be through or with their Ortsgruppenleiters."

A If I would have been required to find out such a thing, I would have discussed this matter at the next meeting of the Ortsgruppenleiters, the Peasant Leaders, and the Labor Front Leaders, and would have asked for their suggestions.

Q And the Ortsgruppenleiters would have had to see their Zellenleiters and Blockleiters, and would have asked them for their suggestion, or if too late, they would know of any cases in which it would have occurred, would they not?

A They could have done it, yes, and I believe they would have asked the Peasant Leaders. Whenever a mother went through pregnancy she had to be dropped as a working person, and the Peasant Leader had to provide a new person for that particular place, and, therefore, it would have been the Peasant Leader that would have known concerning these cases better than the Zellenleiters and the Blockleiters.

Q Just look at the next document. You see there a list or scale showing the Births, Abortions, Pregnancies that had occurred in each Gau?

A Yes.

Q You follow me when I show the number of abortions which totalled 42?

A Yes, I figure that also.

Q Will you look further on, and you will see samples of the Kreisleiter's reports in this matter as required in the first letter. Citing the letter dated 21 May 1944, from Kreis Leadership Villingen, I quote: "As far as I could find out up to now, there have been about 21 pregnancies, of these 4 abortions are said to have been carried out, during which 2 of the women died. Of the remaining 17 births, 5 were stillborn. Welfare by the NSV has not taken place anywhere." Is that typical of the kind of treatment which the corps of Leadership Leaders watched being carried out towards the foreigners who

H0934-0091

were forced to work for them?

A It states here there were supposed to have been four abortions, of which two of the women died.

Q Does that make it any better. Does that make the treatment of foreign women workers any more human?

A Do you want to say that otherwise, not lying, during abortions women and children died?

Q I shall ask you not to ask me questions but to try to answer mine.

A I have again to say that as not stated definitely that there were four abortions but that the Kreisleiter says, "There was supposed to have been."

Q There was nothing to stop the Gauleiter, or the Ortsgruppenleiter, or any of the corps of leadership from resigning from their position, was there?

A If a man could state that due to his office he was unable to take charge or proper care of his business, or his family, then you could request to be released from your duties, and he usually was.

Q If a Gauleiter or Kreisleiter disproved of the way in which the State was being run by the Party, there was nothing in the world that could have prevented him resigning, was there?

A If he did have no sense of responsibility then he failed, but if he had any kind of sense of responsibility then he would stay in order to prevent such occurrences the next time.

Q And by staying he would be carrying out, or assisting, or participating in the execution of such orders as this, and orders to murder enemy parachutists?

A He did not give any orders for murder of Allied flyers.

Q Very well, we will go on. I am sure there may be no objection to that question. I was particularly gracious not to interrupt Mr. Berges throughout the considerable length of time he was examining the witness in chief. Now I want to go on and ask you about the Jewish question. As I understand your evidence, it was that the leadership corps had nothing to do with the organization of the demonstrations in the winter of 1938?

A As far as I could say, that is, in our particular Gau. I don't know of any case where any Kreisleiter, or any official of the corps of Political Leaders received any orders for participation in or planning of demonstrations of the Reich.

H0934-0092

Q You did not, in fact, organize the demonstrations for your government in 1938?

A Upon requesting that information from the Gauleiters, I was told that these demonstrations had come spontaneous from various groups within the population.

Q You must have seen when you went down and looked at the burning synagogue, you must have seen those elements of the population who were taking the most active part, did you not?

A When I arrived there I just saw a few persons who were interested bystanders, who were watching the still burning fire, and through them I could not find out anything as to whom had started the fire.

Q Very well. Let me refer you to paragraph in exhibit PS 3051, USA 240. It is the Heydrich teletype report of 10 November 1938. Listen to what Heydrich is writing to all headquarters and stations of the Gestapo, and all districts or subdistricts of the SD. He says this:

"The Chief of the State Police. All their deputies must get into telephonic contact with the political leaders. Gauleiters or Kreisleiters who have jurisdiction over their districts have to arrange for a joint meeting with the appropriate inspector, or commander of the Ornungspolizei in order to discuss the organization of the demonstrations." Will you agree with me that that order to the police indicates that similar orders had been issued by some one to the Gauleiters and Kreisleiters?

A I do not know of this high order, or any other order to me which was published for me to arrange a plan to carry out any demonstrations or burnings.

Q I am asking you again just this. The police order which I do not suggest is directed to you. Does this police order indicate that some one had issued the Gauleiters and Kreisleiters with orders to organize the demonstration?

A I do not believe thatthis order of Heydrich went to the Gauleiters, because Heydrich could not order the Gauleiters to do anything.

Q I am sure that the interpreter is not going wrong in the interpretation, but you must realize it is either the interpretation of my question and your answer that is going wrong, or it is just a blank refusal on your

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part to answer my questions. Perhaps the interpreter will repeat my question again. (Whereupon the interpreter repeats the previous question).

A No.

Q If the Gauleiter and the Kreisleiter were not intended to project into the organization any of those demonstrations, can you offer any explanation for Heydrich having written that order to the police?

A No.

Q Very well. Now I pass from that to deal with only one further document. In fact, it could have been quite a natural thing for the Leadership Corps to have held meetings to organize demonstrations against the Jews.

A Then they would have had to receive some kind of previous order to plan, and it would have to plan it, but the fact is that there were standing objections to that pledged fact.

Q But the Political Leaders for years had been organizing demonstrations, boycotts and other forms of Jew baiting, had they not?

A We thought that the Jewish question would be solved in this way. That their influence upon Germany would be reduced to such an extent, or percentage as their number in percentage would be to the population.

Q I am not asking you what you thought of the solution of this Jewish problem. I am asking you whether the corps of Political Leaders for years had been engaged in organizing various forms of Jew baiting?

A I could not observe that in my district, or any of the neighboring districts.

Q I shall have to read this letter to you. This document is PS 5374, US 729. I think you became Kreisleiter in 1934, did you not?

A 1934.

Q Before that were you a member of the Political Leadership at all?

A I was Ortsgruppenleiter in Essen in Oldenberg.

Q In what Gau is that?

A Weser-Ems.

Q Listen to this letter. It is dated 7 June 1933, from the Propaganda Department of the Gau Coblenz. It is addressed to the "Kreis directors" and the subject is "Jew Baiting." No.2 -- presumably there had been a previous letter about Jew baiting. I shall read back extracts from this document.

"The District Directorate," which I assume to be the Kreis, "will set up a committee which has the task of directing and supervising the commandos in the whole district." This comes immediately under the heading, "Jew bating." They go on and say: "The Gau Propaganda Directorate will then state this to any coordination that this goes through — " That is to say, through the Kreisleiter. Then it goes on to say, "That the Committee will form in all local groups, that is, Ortsgruppen, and sub localities such committees, whose names shall be known only to the district." I'll read it again. "The Kreis Committee will form in all local groups, and support the localities, such committees, the names of whom shall be known only to the district committee." Now when the Ortsgruppenleiter forms his committee in his Orts-group, to organize Jew baiting, who is he going to get on that committee?

A I could not tell you that. I was never practically employed or worked on such a case, and what happened in Coblenz I do not know.

Q Only speaking with your experience as Gauleiter and Kreisleiter, is not that just that sort of occasion when the Ortsgruppenleiter is to get the Zellenleiter and the Blockleiter to help?

A In this case I would not have called any one in this case at all.

Q But you would have had called in someone to put in your Jew baiting?

A I cannot tell you that. I never had occasion to think about such a case.

Q Put yourself in the position of an Ortsgruppenleiter, who is the first person you are going to have or think of to go on your local committees.

A If I do that, or would have occasion to do that, I believe I would take the organization leader, or the propaganda leader of the Ortsgruppen, and a few old time Party members, and a few experienced men.

Q Are not your Zellenleiters and the Blockleiters just the old time experienced men who would be most useful to you?

A No.

Q Are not they the people most likely to "Jew bait" effectively?

A No, no, no.

COLONEL GRIFFITH JONES: Very well, that is all.

BY MR. MONNERAY:

Q Witness, you have been Ortsgruppenleiter for a certain time, haven't you.

A Yes.

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Q. You told us yesterday that the Political Leaders had nothing to do with the propaganda ?

A. Yes. They did have something to do, they had the Ortsgruppen Propaganda Leaders.

Q. These Ortsgruppen propaganda Leaders were under the authority of the Ortsgruppenleiter ?

A. Yes.

Q. And what sort of Propaganda did they make ?

A. They had to prepare the meetings, and conventions. They had to start collections. They had to ask for wlefare organization members.

Q. Had they anything to do with the Political training of the Ortsgruppenleiter ?

A. No. The political education was in charge of the education chief.

Q. And under whom was this Schulungsleiter ?

A. The Schulungsleiter actually was in his duty under a Gau organizationsbuck, and was supervised by the Ortsgruppenleiter.

Q. What do you mean by supervising ?

A. There were special Hoheitstraeger, or education chiefs with added influence who were to train and pick the Ortsgruppenleiter, who found that out, and put a stop to it.

Q. Suppose a report of the propaganda that you considered showed your Schulungsleiter was not agreeing to the general rules and general line of your policy ?

A. As Ortsgruppenleiter I reported it to the Kreisleiter.

Q. Did you consider "Mein Kampf" as the basic material for political training ?

A. That was ordered from the top usually, but I am sorry to say that all the way up to the top, not everybody, and not every leader, or every official knew that book.

Q. Do you recognize that in principle the "Mein Kampf" constituted the Reich propaganda political training material ?

A. It was not used very often, but only some of the quotations.

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Q. I did not ask whether it had been used, or not, or to what extend, but whether in principle this book was considered as the Reich basic political training material ?

A. Not always but quite often.

Q. So you agree with this excerpt of the Ortsgruppen, the group of the NSDAP of 1943, which is USA Exhibit 323 and PS 1893; it shows on page 112 under "Task and Means of the Zellenleiter, with the agreement of the Ortsgruppenleiter the Zellenleiter may hold meetings, and in those meetings it is advisable not to give any big lectures, but for instance, to read a chapter out of "Mein Kampf" by Adolf Hitler." I may read it in German now it is easier --

A. This proves that the Zellenleisters were not classed absolutely as being trustworthy, and that they should not make any long speeches, or declarations, but if they do have these meetings, that they should read a passage from Mein Kampf. Where they can not do any harm, and this was done with the agreement of the Ortsgruppenleiter. Accordingly, the Zellenleiter did not need a permission from the Ortsgruppenleiter.

Q. So as if the Zellenleiter could do this without agreement, you considered it was not necessary to give this agreement ?

A. The Zellenleiter did not know the Organization Book, or the NSDAP furthermore did not know anything about it, and I do not think that the Ortsgruppenleiters in my Kreis, and in the neighborhing areas did hold exactly to the Organization Book of the NSDAP.

Q. Tell me have you in your conducting as Kreisleiter had any connection with the State Police, or with the general police organizations ?

A. We had no very bad connections with the State Police, but only when I complained concerning a fact one day I was told that the State Police was neither under the State, that is, the district administration, nor under the Party.

Q. Can you tell us why you did complain ?

A. The members of the State Police at times made arrests, for instance, of those that listen to Allied war propaganda, or of receiving information from some one, and then the relatives or acquaintances of that person arrested

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came ot the Kreisleiter who was supposed to know everything and any information concerning everything, and wanted to know what was the basis, or what was happening so far as arrests were concerned.

Q. If you got information from some of your subordinates about your political position taken with some one, which you considered not as completely in line with the general policy of the Party as you thought it should be, did you also report that to the police ?

A. No, I had them come to me, or adjusted by myself, or through my own knowledge.

Q. What about this excerpt of the same Organization Book, pages 132 to 134 :"The Kreisleiter has the right and duty to hinder or to prevent any manifestation in public, or non-public manifestations in actions which are contrary to the directives and the aims of the Party." "The necessary measures due to this right or supervision have to follow the general directives given particularly to the Kreisleiter. In serious cases the Gauleiter has to be informed. Eventually, more serious measures which are considered to be necessary have to be acted upon by reporting to the competent authorities of the Gestapo of the service for the people undermining that propaganda." Is this correct. I do not ask what you think personally. I ask if this excerpt is within the scope of the general organization of the Party ?

A. If within the Party it was found out that any organization, or any part of the organization was conducting such measures, such as meetings, political meetings, and so on, then he could drop them, and in the case these meetings were arranged by State officials, the State Department then made use of the State Administration, or State Police for prevention of these incidents or meetings.

Q. In other words, you considered that the Kreisleiter was responsible only as and sofar as the Party members showed any manifestations or actions ?

A. Yes.

Q. In other words, you had nothing to do with manifestations or actions of the population, if it was not a member of the Party ?

A. If I did not like these organizations, or thought that some trouble would be coming from them, then I would turn to the State officials, or the department in order to prevent such further meetings or demonstrations.

Q. So you had certain supervision even over the people who were not members of the Party ?

A. I can not call that supervision.

Q. And when you said you reported to the authorities of the State, or the Gestapo, that is one of the authorities of the State, isn't it ?

A. Yes.

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Q Now your subordinates, for instance, the Blockleiters and the Zellenleiters, they had similar duties within their own scop

A As I know, no.

Q For instance, the Blockleiter had the duty of reporting about the political attitude of the people of his block?

A If what he heard out of the population concerning anything like that, if he had heard it as a Party member, or as a Blockleiter or Zellenleiter, then, of course, it was his duty to go to the Ortsgruppenleiter, and tell him this and this. That was the duty of every member of the NSDAP. The Blockleiters did not report these incidents, because they would claim of being shunned by people of their block either in social matters, or not, in some other way. Mostly reports of this kind came from the population, or regular single low Party members.

Q Then he did not act according to his duties as Blockleite or Zellenleiter?

A He did not receive any such instructions to spy on the population.

Q May I read from your book, page 101 about the Blockleiter "It is his duty to find people disseminating damaging rumors, and to report them to the Ortsgruppen so that they may be reported to the respective State authorities." Is this right?

A I am certain if he had heard of anything that would be harmful to the Party, or the community, then he would have reported it.

Q And you could even add it was the duty to do so?

A Not only his duty but also the duty of every person and member and every party in that group.

Q In your district what was the connection you had with the SA?

A The connection with the SA after 1934 was generally good.

Q How did you work with the SA?

A When we had any kind of meetings we invited them. When we had any kind of marches, they were also invited, and they recei-

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ved the first place in the March, which was due to them, and in general there was a friendly cooperation between us with the exception when it concerned matters within the organization.

Q Has the Political Leader the right to ask the SA for directions in your district, an order for your own disposal of a detqchment of this aid to certain districts?

A No, it could not be done. The order was always with the SA.

Q I would like to read another excerpt of the SA organization. Page 71: "The Hoheitstrager is responsible for the entire political appearance of the Movement within his zone. The SA Leader of that zone is tied to the directives of the Hoheitstrager in that respect. Requisitioning the SA. The Hoheitstrager is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA Leader if they are needed for the execution of a political mission. The Hoheitstrager will then assign the mission the mission to the SA. Should the Hoheitstrager need more SA for the execution of a political mission than is locally available, he then applies to the next higher office of sovereignty whic in turn, requests the SA from the SA office in his sector. The directives laid down with regard to the relationship to the SA are similarly applicable to the SS." Do you still maintain that you could not give any orders to the SA for political means?

A I want to say that I could call upon the SA in order to have or take up some propaganda actions, or anything like that, in operation with myself.

The formation, however, was laid by the SA Leader, with a responsible SA Leader.

CAPTAIN TURBRIDY: May we take a recess now.

(Recess)

BY M. MONNERAY: Q So you agree you had the right to ask the SA for participation in political tasks within your district?

A I had that right.

M. MONNERAY: I have no further questions.

MAJOR MURRAY: No questions.

DR BERGES: I would like to limit myself to a few points.

CAPTAIN TURBRIDY: Colonel Karev, do you have any questions with this witness

COLONEL KAREV: Yes.

BY COLONEL KAREV:

Q Since in that area in the Kreis in which the witness worked almost no orde from the National Socialist Party arrived, or were received, I have one question The persons who sent their application from the camp through the witness, did they know about their responsibility, if in the case that the organization would be held as a criminal one?

A Yes. All of them were quite certain as to what would happen, or how it would happen, and they supposed that they would have some serious and bad consequences either way. I had to explain that to them exactly at first, and then they came and made their statements.

Q I did not ask about this thing, I asked you about the persons who have sent their application, the persons or leaders of the Political Leaders Organization when they sent their applications from the camp. did they know of this, if the Nazi Organization will be considered as a criminal one, that they will be charged as a criminal according to the Rule 10. according to Roman number 10 of the military commission?

A Yes, they knew that.

Q That means that applications gathered by you are by applications of the people which knew that they were belonging to this criminal organization.

A Everybody who made one of these applications or statements knew they were belonging to an organization which was being tried to be declared a criminal organization.

COLONEL KAREV: That is all, no more questions.

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DR. BERGES: The witness was shown a decree concerning foreign women. The decree is concerning Alsace-Lorraine. I am sorry but I myself do not have it in front of me. The witness was asked whether he would consider the order of Political Leaders that carried out, or helped him carry out this measure were to be regarded as criminals. Isn't it the basis of this questioning a matter, if this portion was voluntary on request by the women, or whether it was involuntary.Since the witness has answered your first question, I would like the witnes to answer this one.

A I know that in our district of our Kreis there were two birth-homes for these women, who after having given birth to children took these children, with the permission of the farmers, back to the farms to raise them.

Q My question went further. Is it not a crime only when these abortions were forced, that is when not voluntary?

A I would consider it a criminal act if one forced a farm worker to an abortion.

Q I have two more questions concerning the Blockleiters and Zellenleiters. The witness was shown the organization book by the prosecution in which it state that Blockleiters and Zellenleiters were ordered to read parts of Mein Kamp to party members or the population. I ask the witness if he knows of any case whatsoever when a Blockleiter or Zellenleiter called a meeting of the population and did this during the meeting?

A I know of no such case.

Q In this book of organization, it is also mentioned that the Blockleiters and Zellenleiters were also Hohertstraegers. In cases of transfer, were the Blockleiters and Zellenleiters not substituted from the Hoherstraegers?

A I do not understand.

Q I am talking of the transfer of officers who were Hoheitstraeger.

A Blockleiters and Zellenleiters could be transferred.

Q Does the witness know if it was necessary, in the case of a transfer of any person from a Hohertstraeger upward permission had to be secured from the deputy of the Fuehrer?

A I cannot remember that decree for certain.

Q In order to refresh the memory of the witness, I would like to remind him that his order concerning transfer was in the General Civil Service Law.

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CAPTAIN TUBRIDY: May I ask the point of this line of questioning?

MR. BERGES: The defense maintains that only Hoheitstraegers and upward could be transferred only with the permission of the deputy of the Fuehrer. This was not the case with the local zellenleiters.

BY MR. BERGES:

Q. In the case that the Hoheitstraegers were required to make any kind of statement does the witness believe it was required that he receive permission from the Deputy of the Fuehrer, but that was not the case with the blockleiters and zellenleiters?

COLONEL KAREV: I would say that all these statements are made by the defense council and that the witness may not be competent to make these statements or give these answers.

MR. BERGES: With the permission of the Commission, I would like to ask the witness whether it was necessary for a blockleiter and zellenleiter to receive permission to make a statement?

MR. MONNERAY: It seems to me that this line of questioning could be avoided as this is a matter of law, whether these men were hoheitstraegers or not and further more German Document 1893 states specifically who the hoheitstraegers were and this included the blockleiters and the zellenleiters. I therefore appears that this entire line of questioning is immaterial.

MR. BERGES: The entire purpose of the defense is to prove that the organization book had incorrect statements in it and not least of all, on this depends the fate of one and one half million blockleiters and zellenleiters. That is why I asked the question.

MR. MONNERAY: It is not contested that the book of organization of the NSDAP is an official document of the Nazi Party and I don't think that the testimony of a relatively small party officer could be held and considered as the best evidence against the official document of the Nazi party.

MR. BERGES: The defense for the Corps of Political Leaders will ask the same question in every instance of a witness for the Corps of Political Leaders in order to prove that in practice it was quite different from the

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theoretical point of view.

COLONEL KAREV: It seems to me that it is useless to interrogate a witness, who does not know, on the basic directives of the party program.

MR. BERGES: I repeat the last question. Was it necessary for the blockleiters and zellenleiters to receive permission to make statements as Hoheitstraegers?

THE WITNESS: No.

MR. BERGES: There are no further questions.

(THE WITNESS CONCLUDED HIS TESTIMONY AT 1620 HOURS.)

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The foregoing is a true and correct transcript of the testimony of WILLY MEYER WENDEBORN, taken on 4th and 5th June, 1946.

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CERTIFIED TO:

Joseph F. Tubridy
Commissioner.

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